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OFFICIAL REPORT
(HANSARD)

Thursday, February 28, 2019

The Honourable GEORGE J. FUREY,
Speaker

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THE SENATE

Thursday, February 28, 2019

The Senate met at 1:30 p.m., the Speaker in the chair.

Prayers.

SENATORS' STATEMENTS

DISTINGUISHED VISITOR IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of the Right Honourable Joe Clark, former Prime Minister of Canada.

On behalf of all honourable senators, I welcome you to the Senate of Canada.

Hon. Senators: Hear, hear!

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of guests of the Honourable Senator Harder, here to mark the fortieth anniversary of the signing of the Master Agreement for the Sponsorship of Refugees.

On behalf of all honourable senators, I welcome you to the Senate of Canada.

Hon. Senators: Hear, hear!

MASTER AGREEMENT FOR THE SPONSORSHIP OF REFUGEES

FORTIETH ANNIVERSARY

Hon. Peter Harder (Government Representative in the Senate): Honourable senators, as a former public servant and now as a senator, I hold a profound belief that government can be an agent of good.

There are few greater examples of this than on March 5, 1979, when the Government of Canada signed the first Master Agreement for the Sponsorship of Refugees, with the Mennonite Central Committee. This agreement provided for a unique humanitarian response to the crisis in war-torn Southeast Asia. It allowed individual Canadians to put into action the compassion they felt when faced with the horrific plight of desperate families in Vietnam, Laos and Cambodia, risking everything to flee to safety in small boats that were anything but safe.

When Canadians asked, "What can I do?" the agreement provided the answer. It allowed individuals to join with at least four others to sponsor a refugee family and bring them to Canada. Faith groups played a vital role in this arrangement by assuming the liability for the sponsoring groups and providing essential support.

Gordon Barnett, here in the gallery today, the government negotiator of the agreement, had been told to be tough when he sat down with Bill Janzen, also in the gallery today, and John Wieler, also here, and others from Mennonite Central Committee.

It's hard to be a tough negotiator when the people you are negotiating with are so obviously driven by the desire to do good, no matter how much or how little the government was willing to give. The result? The government changed tactics and both sides negotiated an understanding that allowed for each party to do what it can do best.

Within five months of this first agreement, 28 national church organizations and Catholic and Anglican diocese had also signed master agreements. As sponsorship groups mushroomed across Canada, public servants across Southeast Asia and here in Ottawa showed creativity and compassion to deliver on its government's commitments. Immigration officers travelled to 70 distant camps on beaches, islands and jungle clearings across seven countries to identify newcomers.

It is telling that this agreement has withstood the test of time to serve during the more recent Syrian refugee crisis. Also telling is that this agreement stood the test of political change. The Conservative government that came into office in June of 1979, led by the Right Honourable Joe Clark, recognized that good policy and good deeds are far stronger than the pull of partisan politics.

One month after taking office, the Progressive Conservative government of the Right Honourable Joe Clark tripled Canada's commitment to welcoming 50,000 refugees over one year.

Honourable colleagues, time limits prevent me from sharing more of the pride that I feel and more of the stories that one could tell. As the former deputy Minister of Immigration and as the son of refugees who were sponsored themselves by the Mennonite Central Committee, the transformative impact the Master Agreement has had on Canada the boast beneficial result, not only in the lives of 327,000 privately-sponsored refugees who have come to Canada over the past 40 years but in allowing Canadians to express so eloquently their commitment to supporting those in need.

I hope you can join me in celebrating the fortieth anniversary of the first Master Agreement. In doing so, we celebrate all the good that is Canada and all the good that is in the hearts of Canadians.

Hon. Senators: Hear, hear!

• (1340)

YELLOW WINGS TO VICTORY

Hon. Joseph A. Day (Leader of the Senate Liberals): Honourable senators, next year marks the seventy-fifth anniversary of the completion of the British Commonwealth Air Training Plan, a plan that was essential to the Allied victory in the Second World War.

Honourable senators will be aware of the important role of the air force in the Battle of Britain to protect Britain from the Nazi invasion that never happened because of the strong air force. They will also be aware of the protection of the soldiers landing on D-Day, the air protection that was provided, and how bomber command helped bring about the end of the Second World War as quickly as we were able.

At the beginning of the war, the Allies recognized the necessity of closing the air power gap between the allies and the Axis powers. The British Commonwealth Air Training Plan sought to close that gap, and Canada became the home of that plan. Our country played an integral role, so much so that then President Franklin Roosevelt called Canada the "aerodrome of democracy."

Over the course of the war, the plan trained more than 130,000 pilots, observers, flight engineers and other air crew for the air forces of Canada, Britain, Australia, New Zealand and other countries. One hundred airfields and 107 flight schools were built.

The Royal Canadian Air Force itself grew from 4,000 at the beginning of the war to more than 230,000 officers and non-commissioned officers, including more than 17,000 women.

In fact, every province hosted training and support facilities in almost 150 communities across Canada. My home province of New Brunswick hosted six training schools, two depots and one operational training unit. The airports of many modern-day cities and towns, like Brandon, Manitoba, and Prince Albert, Saskatchewan, were part of that original aerodrome infrastructure. Numerous military bases, like CFB Moose Jaw and CFB Portage La Prairie, were also once part of that plan.

The Canadian Aeronautical Preservation Association represents 25 museums and two historical societies. In honour of the anniversary of the training plan, it's partnered with Next Frame Digital Productions to create a one-hour documentary and web-based interactive educational experience called Yellow Wings to Victory. I would encourage honourable senators to go to yellowwingstovictory.ca to learn more about this interactive program narrated by Mr. Tom Cochrane, who is also an honorary colonel of one of our air force bases. Thank you.

MASTER AGREEMENT FOR THE SPONSORSHIP OF REFUGEES

FORTIETH ANNIVERSARY

Hon. Yuen Pau Woo: Honourable colleagues, 40 years ago, I arrived in this country as a foreign student in the hamlet of Metchosin, British Columbia. A few weeks after my arrival, I was enlisted by the local Anglican Church, St. Mary's Metchosin, to be part of a welcoming party for a family of Vietnamese refugees that was due to arrive. It was because of my limited Cantonese language skills.

Forty years on, that family is immensely successful, fully integrated into our society and making contributions to our country. They and many other refugees that came during that period are part of the fabric of our society and contribute in ways that we could not have imagined 40 years ago.

We have already heard the contributions of many who have made the MCC Canada Master Agreement for the Sponsorship of Refugees possible. I want to pay tribute to our own colleague Senator Harder who was a big part of that program. He was, of course, an assistant to minister Flora MacDonald, the minister of external affairs at the time, and was instrumental in shaping the program and dealing with the logistics of welcoming the so-called "boat people" to this country.

[*Translation*]

Senator Harder would go on to help the refugees settle into their new lives by contributing to the overhaul of the Immigration and Refugee Board of Canada.

[*English*]

Colleagues, as we enter a new era of refugee movements and fresh challenges in the integration of new arrivals to our country, we will undoubtedly have to grapple with complex and unforeseen challenges in this set of refugee movements in the 21st century. We should not be daunted by these fresh challenges, but instead take to heart the admonition of former Prime Minister Right Honourable Joe Clark who, when faced with similar challenges, had this to say in the 1980s: "Go out and solve it."

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of His Excellency Maeng-Ho Shin, Ambassador of the Republic of Korea to Canada, Colonel Chang Bae-Yoon, as well as members of the Korean War Commemorative Committee and Korean community leaders of Ottawa. They are the guests of the Honourable Senator Martin.

On behalf of all honourable senators, I welcome you to the Senate of Canada.

Hon. Senators: Hear, hear!

KOREA'S PROCLAMATION OF INDEPENDENCE

ONE HUNDREDTH ANNIVERSARY

Hon. Yonah Martin (Deputy Leader of the Opposition): Honourable senators, on March 1, 1919, 33 Korean cultural and religious leaders in Seoul read the Declaration of Independence, marking the beginning of a historic and courageous struggle by the Korean people for independence from Japanese colonialism. It was the start of a movement that would eventually see millions of Koreans stand up to their oppressors and fight for freedom.

March 1, 2019, is the 100th anniversary of this independence movement known as Samiljeol, a designated Day of Remembrance to commemorate the brave patriots who led the movement and to honour the thousands of lives that were lost. It is also an opportunity to remember the millions of Korean people who stood together against tyranny and oppression.

The movement generated unlikely martyrs and heroes. One such martyr was Yoo Gwan Soon, a high school student who spearheaded the independence movement in her hometown of Cheonan, bravely mobilizing thousands of people. Yoo Gwan Soon, whose spirit never capitulated, died in prison on September 28, 1920, her body wracked with torture. She is remembered as one of the most courageous of the 33 patriots of the independence movement.

During this tumultuous time in Korea, Dr. Francis William Schofield, a Canadian missionary, veterinarian and scholar, stood in solidarity and support with the Korean people. Dr. Schofield was well known for his activism and was a critic of Japanese colonial rule in Korea. He provided conclusive evidence of military oppression in Korea during this period and helped gain international attention by documenting the March 1 movement.

Dr. Schofield is symbolic of the deep and enduring loyalty and friendship between Canada and Korea, and Korea remembers him as a 34th patriot, along with the other 33. He is the only foreigner buried in the Korean National Cemetery in Seoul.

The dynamic Korea of today would not exist had it not been for the love and activism of Canadian missionaries like Dr. Schofield and the selfless sacrifices made by Canadian veterans of the Korean War who fought for freedom and peace over 65 years ago.

Honourable senators, I am honoured here today to stand in the presence of Ambassador Maeng-Ho Shin and other leaders of the community on the eve of the one-hundredth anniversary of Samiljeol, and mark this historic day in this chamber for Canada and Korea. Thank you.

MASTER AGREEMENT FOR THE SPONSORSHIP OF REFUGEES

FORTIETH ANNIVERSARY

Hon. Ratna Omidvar: Honourable senators, I too rise to add my voice to others who are celebrating a made-in-Canada idea developed four decades ago. In fact, it is such a good idea with such long legs, that it is sprinting across the globe and taking Canada's reputation to a new high because it engages not just institutions and governments, but ordinary people who want to do more than write a cheque in the face of a global displacement crisis.

From this wonderful initiative three narratives have emerged. First is the narrative of the refugees who are forced to uproot their families, homes and livelihoods to flee violence and persecution. Their paths to resettlement requires their patience, hard work and a great deal of humility. These are and will be strong new Canadians.

• (1350)

Second is the narrative of the private sponsors, from faith groups to book clubs to mom and tots groups to business associations. Their efforts propel refugees to resettlement and equip them to integrate faster and better into Canadian society. As an example, in the working class Syrian family of 12 that I sponsored three years ago, the principal member is in the construction trades and has a job. He is very close to making a down payment on a house in Brampton and, most gloriously of all, will be very soon taking out their application for Canadian citizenship.

Finally, there is the often overlooked narrative of the public servant. We know public servants went beyond and will continue to go beyond the call of duty to get refugees to safety. The notion of the public servant as a public hero is not a common thread in Canada. It is thanks to them, the refugees and their sponsors, that we stand today to celebrate this modern day nation-building success story. Thank you.

[*Translation*]

ROUTINE PROCEEDINGS

PARLIAMENTARY BUDGET OFFICER

FISCAL ANALYSIS OF THE INTERIM F-18 AIRCRAFT—
REPORT TABLED

The Hon. the Speaker: Honourable senators, I have the honour to table, in both official languages, the report of the Office of the Parliamentary Budget Officer, entitled *Fiscal Analysis of the Interim F-18 Aircraft*, pursuant to the *Parliament of Canada Act*, R.S.C. 1985, c. P-1, sbs. 79.2(2).

[*English*]

STUDY ON ISSUES PERTAINING TO THE MANAGEMENT OF SYSTEMIC RISK IN THE FINANCIAL SYSTEM, DOMESTICALLY AND INTERNATIONALLY

THIRTIETH REPORT OF BANKING, TRADE AND COMMERCE COMMITTEE TABLED

Hon. Douglas Black: Honourable senators, I have the honour to table, in both official languages, the thirtieth report of the Standing Senate Committee on Banking, Trade and Commerce entitled *Ten Years After the Financial Crisis: An Update on Systemic Risks* and I move that the report be placed on the Orders of the Day for consideration at the next sitting of the Senate.

(On motion of Senator Black (*Alberta*), report placed on the Orders of the Day for consideration at the next sitting of the Senate.)

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

THIRTY-FOURTH REPORT OF COMMITTEE PRESENTED

Hon. Sabi Marwah, Chair of the Standing Committee on Internal Economy, Budgets and Administration, presented the following report:

Thursday, February 28, 2019

The Standing Committee on Internal Economy, Budgets and Administration has the honour to present its

THIRTY-FOURTH REPORT

Your committee, which is authorized by the *Rules of the Senate* to consider financial and administrative matters, recommends that the following funds be released for fiscal year 2018-19.

Legal and Constitutional Affairs (Legislation)

General Expenses	$	6,000
Total	**$**	**6,000**

Respectfully submitted,

SABI MARWAH
Chair

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

(On motion of Senator Marwah, report placed on the Orders of the Day for consideration at the next sitting of the Senate.)

AGRICULTURE AND FORESTRY

BUDGET—STUDY ON HOW THE VALUE-ADDED FOOD SECTOR CAN BE MORE COMPETITIVE IN GLOBAL MARKETS—FIFTEENTH REPORT OF COMMITTEE ADOPTED

Hon. Diane F. Griffin, Chair of the Standing Senate Committee on Agriculture and Forestry, presented the following report:

Thursday, February 28, 2019

The Standing Senate Committee on Agriculture and Forestry has the honour to present its

FIFTEENTH REPORT

Your committee, which was authorized by the Senate on Thursday, February 15, 2018, to study how the value-added food sector can be more competitive in global markets, respectfully requests supplementary funds for the fiscal year ending March 31, 2019.

Pursuant to Chapter 3:06, section 2(1)(c) of the *Senate Administrative Rules*, the budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that committee are appended to this report.

Respectfully submitted,

DIANE F. GRIFFIN
Chair

(*For text of budget, see today's* Journals of the Senate*, p. 4386.*)

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

Hon. Diane F. Griffin: Honourable senators, with leave of the Senate and notwithstanding rule 5-5(f), I move that the report be adopted now.

The Hon. the Speaker: Is leave granted, honourable senators?

Hon. Senators: Agreed.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

(Motion agreed to and report adopted.)

CANADA-AFRICA PARLIAMENTARY ASSOCIATION

BILATERAL MISSION TO THE PEOPLE'S DEMOCRATIC REPUBLIC OF ALGERIA, OCTOBER 7-13, 2018—REPORT TABLED

Hon. A. Raynell Andreychuk: Honourable senators, I have the honour to table, in both official languages, the report of the Canadian Delegation of the Canada-Africa Parliamentary Association respecting its bilateral mission to Algiers and Tipasa, People's Democratic Republic of Algeria, from October 7 to 13, 2018.

ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES

COMMITTEE AUTHORIZED TO MEET DURING SITTING OF THE SENATE

Hon. Rosa Galvez: Honourable senators, with leave of the Senate and notwithstanding rule 5-5(a), I move:

> That the Standing Senate Committee on Energy, the Environment and Natural Resources have the power to meet at 5 p.m. on Tuesday, March 19, 2019, even though the Senate may then be sitting, and that rule 12-18(1) be suspended in relation thereto.

The Hon. the Speaker: Is leave granted, honourable senators?

Hon. Senators: Agreed.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

(Motion agreed to.)

FISHERIES AND OCEANS

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO MEET DURING SITTING OF THE SENATE

Hon. Fabian Manning: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

> That the Standing Senate Committee on Fisheries and Oceans have the power to meet on Tuesday, March 19, 2019, at 6 p.m., even though the Senate may then be sitting, and that rule 12-18(1) be suspended in relation thereto.

QUESTION PERIOD

PRIME MINISTER'S OFFICE

SNC-LAVALIN

Hon. Larry W. Smith (Leader of the Opposition): My question is for the Leader of the Government in the Senate, Senator Harder. Going back to my question yesterday about the Prime Minister's consistent denial of pressure exerted upon the former Attorney General, we now know according to Ms. Wilson-Raybould's testimony he did in fact pressure and bully her on numerous occasions to reverse the director of public prosecution's decision with respect to SNC-Lavalin.

She said:

> For a period of approximately four months, between September and December of 2018, I experienced a consistent and sustained effort by many people within the government to seek to politically interfere in the exercise of prosecutorial discretion in my role as the attorney general of Canada, in an inappropriate effort to secure a deferred-prosecution agreement with SNC-Lavalin. These events involved 11 people (excluding myself and my political staff) – from the Prime Minister's Office, the Privy Council Office, and the Office of the Minister of Finance.

She detailed multiple attempts by the Prime Minister to bully her into a decision, and, when asked if she would provide these text messages, phone calls and notes to the committee, Ms. Wilson-Raybould said she would take that into consideration.

Senator Harder, given Ms. Wilson-Raybould's detailed and concise testimony and the Prime Minister's changing narratives at press conferences, will he testify under oath and provide evidence of his side of the SNC-Lavalin scandal?

• (1400)

Hon. Peter Harder (Government Representative in the Senate): Again, I thank the honourable senator for his question.

Before I get to the question, I just want to express the relief I felt when Mr. Clark walked out so he wouldn't see one of his former assistants answer Question Period, as I prepared him for Question Period 40 years ago. So I thank you, sir, for leaving, which gets me to answering the question.

The Prime Minister has been clear from the beginning that his concerns and the concerns shared by other political and community leaders with respect to the potential impact on SNC-Lavalin has been spoken about forthrightly and clearly.

Certainly the government is pleased that the former minister was afforded the opportunity to speak at the appropriate committee yesterday. It is noteworthy that the former minister did not suggest that she was directed by the Prime Minister, did not suggest that any illegal actions were taken, but did speak to her views with respect to the interactions she had with a number of people.

The Prime Minister previously, and again last night, disputed the claims of the previous minister with regard to the extent to which he indicated his views.

With respect to the specific question of the Prime Minister's appearance, that, of course, is a question for the committee and for the Prime Minister himself.

Senator Smith: Thank you, government leader. I won't get into the narrative of jobs because it seems to be a narrative that's been consistently discussed. There are two issues here: the issue of the rule of law and the issue of dealing with executives who abused whatever rights or privileges they had in negotiating deals that were not legal. We have to be clear and distinguish what those issues are.

It was clear from the testimony yesterday that Ms. Wilson-Raybould was unable to discuss details around certain meetings and conversations she had with the Prime Minister, his staff or cabinet. For example, when asked if she could discuss why she resigned from cabinet, she said she could not. When asked if she could discuss details of the cabinet meeting that took place on February 19, she said once again she could not. When asked if she would appear before the committee again, she said she would.

Senator Harder, will the Prime Minister remove all restrictions he has placed on the former Attorney General so she can provide full and complete testimony with respect to the scandal and give Canadians a clearer picture of what actually transpired?

Senator Harder: I thank the honourable senator for his question. He will know from my response to earlier questions that the order-in-council which relieved the former minister of certain constraints in testifying provided the broad guidance for her testimony, save for cabinet confidences and any intervention which could put at risk the prosecutions that are under way. Those were the guiding principles of the directive, and it was heartening to see that the former minister respected those thoroughly.

[*Translation*]

Hon. Claude Carignan: My question is for the Leader of the Government in the Senate. We've learned many things over the past few days, about actions and statements that you believed were appropriate. However, we've also learned that some political considerations were raised, like the provincial election in Quebec and the Trudeau government's chances of re-election.

Do you also think it's appropriate to raise partisan political considerations when the Attorney General has to decide whether to intervene in a pending case?

[*English*]

Senator Harder: I thank the honourable senator for his question. I don't think he should be surprised that decision making by governments involves political considerations. I would have thought that as a member of a former governing caucus he was well acquainted with that.

[*Translation*]

Senator Carignan: I'd like to briefly remind you of a certain historical event, if I may. In 1965, Minister Guy Favreau, who was, incidentally, the member of Parliament for Papineau, resigned as Minister of Justice and Attorney General for having allowed political considerations to influence his decision to prosecute certain individuals. Will the Prime Minister follow in the footsteps of Guy Favreau, former minister and MP for Papineau, and submit his resignation, or is it his intention to cling onto his job?

[*English*]

Senator Harder: I thank the honourable senator for his minute of history. Let me simply comment that the events to which he alludes involved activities which were deemed to be inappropriate in respect of an inquiry that was under way and a police action that was under way. The former Minister of Justice and Attorney General yesterday confirmed, as has the Prime Minister, that nothing illegal has taken place.

CANADIAN HERITAGE

CANADIAN RADIO-TELEVISION AND TELECOMMUNICATIONS COMMISSION

Hon. Donna Dasko: Honourable senators, my question is for the Government Representative in the Senate.

Last week the CRTC issued a report which confirmed what many Canadians have already experienced, that Canada's telecom providers engage in misleading sales practices that harm Canadian consumers, particularly vulnerable Canadians, including seniors, those with disabilities and those with language barriers. These misleading practices persist even though telecom providers have in place policies which supposedly prohibit these practices. Clearly many of these companies are not able to regulate themselves.

Is it time now for a more concerted approach on the part of the government, including effective regulation or legislation to protect Canadian consumers? And when can we expect this?

Hon. Peter Harder (Government Representative in the Senate): I thank the honourable senator for her question. She will know from the response of the minister responsible, Minister Bains, that the government is studying the report. The government has consumer protection and consumer services as its highest priorities, ensuring that the technology is rolled out to communities and is competitively priced. The minister has undertaken not only to make the review but to reflect on recommendations that he might be bringing forward.

PUBLIC SERVICES AND PROCUREMENT

PHOENIX PAY SYSTEM

Hon. Frances Lankin: Honourable senators, my question is to the Government Representative and it is with respect to the Phoenix pay system.

I encountered a group of protesters today. I could see from their flags that they were members of the Public Service Alliance of Canada. I could see from their signs that they were protesting the continued failure of the Phoenix pay system, which for listeners is the pay system that automates the payment of public service workers for their hard work and their duties performed for our benefit as Canadians.

To the Government Representative, I looked at the history of this. It was in 1989 that the Conservative government of Brian Mulroney began analyzing options for replacing the legacy pay system. I read through the history that my staff pulled together for me. They found a great site. I urge all senators to google the Phoenix pay system history, *Ottawa Citizen*. They have a Wikipedia page. To read it is to be sad and outraged at the tragedy of multiple governments and the inability to fix this problem.

Today I see that we are almost 30 years later, and there are still public service workers working hard and not receiving pay or having the backlog cleared in a timely way.

Would you provide us with an update and the current status of the size of backlog and any errors? As I understand it, through 2018 that backlog continued to grow. Do you have an update that you could provide us with, please?

Hon. Peter Harder (Government Representative in the Senate): I thank the honourable senator for her question. She will know that other senators and the senator herself have raised the issue of Phoenix over the course of the last almost three years. I can report — and I'm happy to provide a further update beyond the report I'm reflecting today — that the government has taken a number of actions to ensure that all employees get paid accurately and on time.

• (1410)

I can sadly say that more than half of public servants are experiencing some form of pay issues, including people in my family.

We continue to take actions as a government on all fronts to resolve these issues and stabilize the pay system. Progress is being made through collaboration and innovative processes and additional resources the government has put in place not only to remediate the technology but also to ensure that there are more pay clerks reinstated. Those pay clerks were removed prematurely, and the capacity to deal with personal intervention was decreased.

I can report that the number of transactions waiting to be processed at the pay centre has decreased by nearly 160,000 since January 2018. Pay pods are providing better services to employees serviced in pay centres. These pay pod departments have seen a 29 per cent decrease in the number of transactions awaiting processing over the same time. By May 2019, the department expects that all 46 organizations served by the pay centre will have transitioned to pay pods.

As this work proceeds, employees are also encouraged to access, if they require continued emergency salary advances and priority payments.

I should also add that, as the tax season approaches, there are particular steps being taken to ensure additional collaboration with Revenue Canada and Revenu Québec to minimize tax-related complications for public servants who have pay issues.

This is a significant challenge. The government does not underestimate or otherwise make light of the impact this is having, but is taking all of the steps and more that hopefully can contribute to both the resolution of the immediate concerns and a long-term solution to the pay capacity of the Government of Canada.

Senator Lankin: I appreciate the information about the remediation steps being taken for the immediate concerns. Of course, the long-term issue remains. As I review from the history, the legacy system came from 30 years ago, and the situation is not yet fixed.

The federal public service is one of the wonderful things about this country. All of us know people and/or have people in our family, as I do too, who serve with such pride and nobility and dedication. For them, there's tremendous hardship through this process.

The protest today marked the third anniversary of the launch of the Phoenix pay system, so the problems that people have been experiencing have persisted for three years. I think all of us, including yourself and, I'm sure, the government, sees it as intolerable and unconscionable.

I can't help but note the ironic nature of the name of this project. Hopefully something comes out of these ashes.

I believe we need to continue to put a sharp focus on this issue and not let it drift into the background as other very pressing issues are before Canadians and the Canadian Parliament.

Would you undertake, Government Representative, to host a technical briefing for all senators, followed by an invitation, after your consultation with the leaders, to the minister to come and to speak to us again? I feel so compelled by the workers that I met today. I stand in solidarity with them and their concerns, not only the representatives who were on the street today, but the many Canadians who serve us every day. Would you undertake to host that technical briefing for us and then invite the minister to come?

Senator Harder: I thank the honourable senator for the suggestion, and I undertake to do just that.

PRIME MINISTER'S OFFICE

MEDIA COMMUNICATIONS

Hon. Linda Frum: Honourable senators, my question is for the Leader of the Government in the Senate on one of the pressing issues Canadians are indeed talking about today.

In her testimony yesterday, Ms. Wilson-Raybould said Katie Telford, Chief of Staff for the Prime Minister, promised to line up favourable op-eds to give the then-Attorney General cover if she agreed to issue a directive to reverse a decision of the Director of Public Prosecutions.

Senator Harder, is that a common practice of the PMO, to instruct pundits and editors to write and publish favourable op-eds for the government?

Hon. Peter Harder (Government Representative in the Senate): I thank the honourable senator for the question. She will know from her acquaintance with the journalism profession that those attempts are rarely successful.

Let me simply say that the former minister has expressed her views with respect to the interactions that she's had with a number of individuals. Again, I repeat that those individuals, by her own acknowledgment, did not engage in any form of direction or in any illegal activity.

Did they express the views that they held and the views of the Prime Minister and of other representatives of the government? Did they suggest that there were appropriate ways in which the actions that could be contemplated could be communicated to the public? Absolutely.

Senator Frum: Senator Harder, something that did not happen in my days in journalism but is happening now is that this government is ready to hand out half of a billion dollars to so-called qualified media outlets, and now we see that we have the Prime Minister's right-hand woman openly bragging about her ability to use those same favoured media outlets for political cover.

Senator Harder, how can Canadians be confident that this promised aid to the media is not a way for the Trudeau Liberals to buy themselves political cover? How can Canadians trust Katie Telford with this file or, frankly, with any other file?

Senator Harder: Again, I want to say to the honourable senator that Katie Telford is a talented woman who does her job extraordinarily well.

With respect to the accusation that's implied in the question, the honourable senator will know by the criteria with which funding for media is being contemplated, that any direction from ministers would be impossible to achieve.

SNC-LAVALIN

Hon. Leo Housakos: Honourable senators, my question is for the government leader in the Senate, Senator Harder.

Yesterday, we heard from the former Attorney General, Jody Wilson-Raybould, that Prime Minister Trudeau's closest advisor and principal secretary, Gerry Butts, told Ms. Wilson-Raybould's chief of staff that to save the SNC-Lavalin file, ". . . there is no solution . . . that does not involve . . . interference." in the judicial process.

Senator Harder, your government knew very well that what they were doing was improper, unethical, immoral and probably illegal.

In answering a question to Senator Carignan ,you said that the former Attorney General claims that nothing in the process of what has occurred is illegal, and you've reiterated that. Of course, the Prime Minister is hugging that like an environmentalist hugs a tree.

Having said that, at the end of the day, it's not incumbent on the Prime Minister, you or the Attorney General to determine what is criminal or not. It is up to the independent prosecutor's office. There's a reason why the former government created the independent prosecutor's office in the judicial system, in order to have arm's-length, independent and proper scrutiny in our judicial system.

I find it terrible, especially given the fact that the former Attorney General, in the very credible testimony she gave, said she felt severe anxiety from the continuous pressure that she was receiving from the Prime Minister's Office, from the Minister of Finance and from the Clerk of the Privy Council.

It's incumbent on us to stop this charade of trying to determine what's legal or illegal and leave that to the proper authorities.

My question to you, government leader, is: The resignation of Gerry Butts, is it being investigated by the RCMP, and can you confirm or deny that there is an investigation of Mr. Butts by the RCMP?

Hon. Peter Harder (Government Representative in the Senate): I want to say a word about the long preamble and the assertions and allegations made therein. I find them offensive, and I find the accusations contained therein to be a distortion of both the testimony of the former minister and the comments of others, including the Prime Minister.

No, with respect to the question, I can neither confirm nor deny it.

Senator Housakos: Government leader, with a heavy heart I can tell you that Canadians find the behaviour of this Prime Minister and the government very offensive. Canadians want to have confidence in their institutions, particularly our judiciary system.

Yesterday, former Minister Wilson-Raybould twice refused to say she still has confidence in the Prime Minister. That's not something I'm deducing. It was clear she was asked pointedly by a Liberal member if she still had confidence in the Prime Minister.

• (1420)

Senator Harder, how can Canadians still have confidence in the Prime Minister if members of his own caucus don't? How can this Prime Minister still govern the country with moral authority and, after his closest friend and adviser admitted that he wanted to interfere in a criminal trial in order to solve a political problem, how could we have any confidence in this government?

Senator Harder: Again, I believe that the question as posed is inaccurate, misleading and offensive. The Prime Minister has made clear that no illegal activity or no inappropriate direction was provided. The minister, in her testimony, confirmed that. She also spoke to, in her own words — and rightly so — how she interpreted the conversations and interactions she had with a number of people.

The Prime Minister has challenged the views as expressed by the former minister.

Let me simply say with respect to confidence that I continue to have confidence in this Prime Minister.

VETERANS AFFAIRS

COMMUNICATIONS WITH MINISTER

Hon. Diane F. Griffin: Honourable senators, my question is for the Representative of the Government in the Senate.

On Wednesday, the Senate Subcommittee on Veterans Affairs heard from the Royal Canadian Legion and the Union of Veterans' Affairs Employees about the impact of having 17 Ministers of Veterans Affairs since 1993. In their testimony, both organizations indicated they have yet to have any request for communication or meeting from the acting Minister of Veterans Affairs, namely the Minister of Defence, despite his having become acting minister on February 12.

According to the Royal Canadian Legion, when former Veterans Affairs Minister Wilson-Raybould took over, they received a courtesy call from her two days after her appointment.

Could you convey to the acting Minister of Veterans Affairs the request of the Royal Canadian Legion and the Union of Veterans' Affairs Employees to have a meeting or any form of communication with the minister?

Veterans and employees of Veterans Affairs Canada need to be reassured by the Government of Canada that their concerns are valued and, more importantly, addressed.

Hon. Peter Harder (Government Representative in the Senate): I would be happy to do so.

[*Translation*]

PRIME MINISTER'S OFFICE

SNC-LAVALIN

Hon. Jean-Guy Dagenais: On Tuesday, I asked you, as the Prime Minister's representative, whether Prime Minister Trudeau still had the legitimacy to govern our country. In light of the revelations of the former Justice Minister, Ms. Jody Wilson-Raybould, whom he removed from the position of Attorney General because she refused to give in to pressure and harassment on the part of the Prime Minister and his entourage, do you still think, as you did on Tuesday, that he has the legitimacy to continue serving as Canada's Prime Minister, having so flagrantly and shamefully disrespected the judiciary?

[*English*]

Hon. Peter Harder (Government Representative in the Senate): Let me simply say in response to the question that the Prime Minister has both the integrity and the mandate to continue in his position and to continue with the good work this government is doing.

[*Translation*]

Senator Dagenais: Government leader, are you saying that you are among those who question the very well-documented facts that the former Attorney General of Canada revealed yesterday, facts that prove this to be a bona fide case of political harassment intended to obstruct the course of justice?

[*English*]

Senator Harder: Again, I thank the honourable senator for his question. Let me remind this chamber, as I have on several occasions over the last two weeks, that it is not unusual for ministers and caucuses to discuss different points of view on different matters, and to express honestly and directly their concerns both to ministers and amongst ministers. That is hardly a surprise in a country as vast as ours and one in which democracy and cabinet government pervades.

Let me simply say again that it is the view of the Prime Minister that his discussions, and those of other officials in his government, with the former minister were entirely appropriate and reflective of the practices within a cabinet parliamentary system.

PRIVY COUNCIL OFFICE

ROLE OF THE CLERK OF THE PRIVY COUNCIL

Hon. Denise Batters: Honourable senators, my question is for the Leader of the Government in the Senate.

Senator Harder, yesterday former Attorney General Jody Wilson-Raybould gave explosive and devastating testimony about potential corruption infecting the highest echelons of this Trudeau government, including the Prime Minister, the PMO and the Clerk of the Privy Council.

You were the head of the Trudeau government's transition team for that new government. In that role, you not only established the framework for relations between the PMO and PCO, but you played a key role in installing Michael Wernick as the Clerk of the Privy Council.

Similar to you, Senator Harder, Mr. Wernick had a long career in the public service before his appointment. As Privy Council Clerk, Wernick was to be non-partisan. He should have put a stop to any threatened interference with a major criminal prosecution. Instead, he did the PMO's bidding and allegedly threatened

Wilson-Raybould in an effort to interfere with prosecutorial independence. His implication was clear: Find a way to overturn the DPP's decision or lose your job.

The Clerk of the Privy Council Office is supposed to be the pre-eminent, non-partisan civil servant in Canada. He is expected to behave with the highest ethical standards and uphold the rule of law. Michael Wernick has failed on all accounts. When will the Trudeau government demand his resignation?

Hon. Peter Harder (Government Representative in the Senate): In response to the question, let me simply say a couple of things.

First of all, the question is factually in error. Mr. Wernick was appointed Clerk of the Privy Council well into the first year of the government's mandate and long after transition had been completed. But that's not really the important point to make in this.

The important point to make is that Michael Wernick is a public servant of great distinction who has served Canada for 37 years, who knows the bounds of appropriate interaction, tells truth to power, whether that power is the media or whether that power is parliamentarians. He spoke candidly and with force. I'm proud to know him as a friend and believe he is not only a good public servant, but he serves the best interests of Canadians.

The third point I would make is that the tone of the question is one that suggests this chamber is actually not as sober in its reflection as the committee yesterday, frankly, was in their questioning.

The Hon. the Speaker: Senator Batters, there is one minute left for Question Period.

PRIME MINISTER'S OFFICE

SNC-LAVALIN

Hon. Denise Batters: Senator Harder, Prime Minister Trudeau is trying to minimize this crisis of corruption in his government as an internal disagreement. It's pretty clear from her damning testimony yesterday that the former Attorney General experienced things differently.

In her capacity as the AG, she made a firm decision not to overrule the DPP. Yet for the next four months, she had to fend off repeated unwanted pressure from powerful men, including the Prime Minister of Canada, his closest adviser and best friend, and the Clerk of the Privy Council. They all tried to wear her down and change her mind.

The feminist facade of this government is crackling like ice. Why won't the men in the highest echelons of this fake feminist Trudeau government accept "no" for an answer from a woman?

Hon. Peter Harder (Government Representative in the Senate): Let me simply compliment the honourable senator on watching a movie. I appreciate that. Let me simply say that the question is great rhetoric but is irrelevant to the circumstances we're dealing with.

[*Translation*]

ORDERS OF THE DAY

BUSINESS OF THE SENATE

Hon. Diane Bellemare (Legislative Deputy to the Government Representative in the Senate): Honourable senators, pursuant to rule 4-13(3), I would like to inform the Senate that as we proceed with Government Business, the Senate will address the items in the following order: Motion No. 252, followed by all remaining items in the order that they appear on the Order Paper.

INDIGENOUS LANGUAGES BILL

ABORIGINAL PEOPLES COMMITTEE AUTHORIZED TO STUDY SUBJECT MATTER

Hon. Diane Bellemare (Legislative Deputy to the Government Representative in the Senate), pursuant to notice of February 27, 2019, moved:

> That, in accordance with rule 10-11(1), the Standing Senate Committee on Aboriginal Peoples be authorized to examine the subject matter of Bill C-91, An Act respecting Indigenous languages, introduced in the House of Commons on February 5, 2019, in advance of the said bill coming before the Senate; and
>
> That the committee submit its final report to the Senate no later than April 30, 2019.

She said: Honourable senators, you will recall that this motion pertains to Bill C-91 and calls on this chamber to authorize the Standing Senate Committee on Aboriginal Peoples to study Bill C-91, An Act respecting Indigenous languages, which was introduced on February 5, 2019.

• (1430)

We have not yet received this bill from the other place, but it is a substantial bill. It has 24 pages and 50 clauses, and raises major issues. The Standing Senate Committee on Aboriginal Peoples would like to have time to thoroughly examine it.

The Hon. the Speaker: Are senators ready for the question?

[*English*]

Hon. Dennis Glen Patterson: Honourable colleagues, I rise briefly today to speak in support of this motion calling for a pre-study of Bill C-91, An Act respecting Indigenous languages.

This is a bill that is vitally important to get right. With this ever-increasing slough of legislation we all know about, we need the time to do our jobs. A pre-study is a responsible way of taking advantage of the time available to the Aboriginal Peoples Committee at this moment.

As critic for the bill, I will speak to it during second and third reading. I would like to take a moment to say, as the senator for Nunavut, why I think it is so important that we study this bill.

I want to tell you that, happily, in Nunavut, where 86 per cent of the population are Inuit, 75 per cent of Inuit have Inuktut as their first language. According to Nunavut Tunngavik President Aluki Kotierk, during her February 26 committee testimony in the other place, however, she said:

> Every year, the number of Inuktut speakers in Nunavut declines by 1 per cent.

Current language barriers not only hurt the dignity of unilingual elders during day-to-day transactions, such as banking, where they are made wholly reliant on English-speaking relatives, but they can also cause real harm.

In 2016, the Language Commissioner for Nunavut published a report entitled *If You Cannot Communicate with Your Patient, Your Patient is Not Safe*, which was reviewing the Qikiqtani General Hospital, Nunavut's only hospital, located in Iqaluit. She told the story of a 15-year-old, Ileen Kooneeliusie in January of 2017, who passed away from tuberculosis. Despite going to the local health centre several times, the severity of her condition was not caught early enough to prevent her death. Her mother, Geela, strongly believes that if health workers had spoken Inuktut, her daughter would still be alive.

That's just one tragic story. It highlights the real-life consequences of getting this bill wrong. We need to ensure the bill protects, promotes and revitalizes Indigenous languages throughout Canada for essential services and programs such as justice, health and education, which need to be offered in Indigenous languages, where numbers warrant.

I was disappointed to hear from leaders such as Ms. Kotierk and ITK President, Natan Obed, that this bill in its present form is viewed by Inuit as largely symbolic. Indeed, Ms. Kotierk stated that "symbols are important, but they fall short of what is needed and what is called for in the Truth and Reconciliation Commission report."

I am concerned that, during this pre-study, we study the consultation process that led to the bill. Ms. Kotierk said, following the tabling of the bill, that, notwithstanding all the rhetoric about co-development, this bill shows no measurable input, despite our best efforts to engage as partners. When I say "none," I mean "none." This issue must form an important part of the proposed pre-study.

Honourable senators, I want to make it clear to First Nations and Metis senators, and all of us who represent Indigenous minorities in the Senate, that the Inuit, whose language is relatively healthy compared to others — although it's eroding — do recognize that First Nations and Metis face their own language issues and priorities. They fully support their efforts to secure legislative provisions that respond to that.

So NTI, working with Inuit Tapiriit Kanatami, wishes to play an active role in the parliamentary committee process. I would urge honourable senators to give the Aboriginal Peoples Committee the ability to study this bill soon so that we have a chance to ensure the bill is done right and accomplishes what all Indigenous people hope it can achieve. Thank you.

The Hon. the Speaker: Are senators ready for the question?

Hon. Senators: Question.

The Hon. the Speaker: It is moved by the Honourable Senator Bellemare, seconded by the Honourable Senator Harder — shall I dispense?

Hon. Senators: Dispense.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

(Motion agreed to.)

FEDERAL SUSTAINABLE DEVELOPMENT ACT

TIME ALLOCATION—NOTICE OF MOTION

Hon. Peter Harder (Government Representative in the Senate): Honourable senators, I wish to advise the Senate that I've been unable to reach an agreement with the representatives of recognized parties to allocate time to the motion to respond to the message from the House of Commons concerning the Senate's amendments to Bill C-57, An Act to amend the Federal Sustainable Development Act.

Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

> That, pursuant to rule 7-2, not more than a further six hours of debate be allocated for the consideration of the motion to respond to the message from the House of Commons concerning the Senate's amendments to Bill C-57, An Act to amend the Federal Sustainable Development Act.

Hon. Donald Neil Plett: Point of order. Your Honour, I'm not sure who Senator Harder is referring to, but quite frankly, I would like to tell this chamber that he, our leader and I had an agreement that we would definitely call the question on this today.

Some Hon. Senators: Let's do it.

Senator Plett: I would like him to withdraw that motion, unless Senator Woo or Senator Day say they don't agree and that they haven't been able to reach agreement. But we did, and I want it on the record that the loyal opposition agreed to call question on this today.

The Hon. the Speaker: Honourable senators, points of order are actually out of order on notices of motions.

However, in order to provide us a little leeway here in an effort to try to solve this matter, I'll call on Senator Harder and Senator Woo.

Senator Harder: Senators, this is a notice of motion. If and when we get to the message on Bill C-57 and if the chamber chooses to vote today, I'd be delighted.

With respect to the discussions I've had — and I've acknowledged that with the honourable senator — they were tied to other matters with respect to other legislation with which I indicated to him I could not agree.

Hon. Yuen Pau Woo: Colleagues, the loyal and largest parliamentary group in the Senate can confirm that I was not consulted directly at all by the opposition on this alleged deal, but it was conveyed to me via Senator Harder. Part of that deal included a commitment to have a third reading vote on Bill C-69 on May 30. If, in fact, that is part of the deal, I can concur it should go ahead.

I also concur with the idea that, when we get to Bill C-57, there is a vote today on that bill, I would implore Senator Harder to withdraw his notice of motion.

Senator Plett: Thank you, Senator Woo. You said you had no discussions with the loyal opposition. I'm not sure why you would have discussions with the loyal opposition. You may be a large group of 65 independent, individual senators. We have no reason to want to have any negotiations with you. Negotiations are directed to the government from our side, as they should be from your side. They should all be directed to the government, not to the individual groups. We didn't have discussions with Senator Day either. It is the Leader of the Government that we negotiate with.

• (1440)

I would like that notice of motion withdrawn now, because we had an agreement. And, yes, they were tied to other things, yet Senator Harder came into my office, and his words were, "We have an agreement." I didn't like the entire agreement, but I said, "There is enough goodwill here that we will continue to go ahead." I want that on the record. Those were my words: "There is enough goodwill here for us to go ahead." For Senator Harder to infer we did not agree, I find offensive and I want it withdrawn.

Senator Harder: I can confirm that I did shake his hand, that we did reach an agreement. What he has neglected to comment on is a subsequent conversation in which he interpreted the obligations on both sides to such a point with respect to the consideration of another bill that I could not agree. I had agreed to an end date for third reading. He indicated to me that was the beginning of the third reading debate. That's not a deal. My last words to the senator before he entered this chamber were, "We do not have a deal."

The Hon. the Speaker: Honourable senators, I'm going to cut off debate on this right now. This is a matter for leadership outside of the chamber. I'm going to have the table call the message. We will see where debate on Bill C-57 goes. The notice remains on the floor and can be withdrawn at any time.

Hon. Yonah Martin (Deputy Leader of the Opposition): May I ask one point of clarification?

The Hon. the Speaker: Yes.

Senator Martin: If I am correct in listening to the debate that has happened, there was a notice of motion by Senator Harder. However, when Senator Woo briefly entered debate, he referenced Bill C-69. I just wanted to clarify this motion.

I'm a little bit worried about calling the question on Bill C-57 when there's this sort of "set in motion," when I was under the clear understanding of such an agreement. I've had discussions with my counterparts. I'm worried about what will happen if we continue at this point. Could I have a clarification?

The Hon. the Speaker: The clarification is very simple, Senator Martin. The notice of motion deals with Bill C-57 only.

Senator Martin: Yes. What I'm concerned about is Senator Woo's reference to the other bill.

The Hon. the Speaker: I'm sorry, Senator Martin. Senator Woo did not move the motion. The motion was moved by Senator Harder. It clearly refers solely to Bill C-57.

BILL TO AMEND—MESSAGE FROM COMMONS—MOTION FOR NON-INSISTENCE UPON SENATE AMENDMENT—DEBATE

On the Order:

> Resuming debate on the motion of the Honourable Senator Harder, P.C., seconded by the Honourable Senator Mitchell:
>
> That the Senate do not insist on its amendment 2 to Bill C-57, An Act to amend the Federal Sustainable Development Act, to which the House of Commons has disagreed; and
>
> That a message be sent to the House of Commons to acquaint that house accordingly.

The Hon. the Speaker: Are honourable senators ready for the question?

Some Hon. Senators: Question.

The Hon. the Speaker: On debate, Senator Plett.

Hon. Donald Neil Plett: I am going to take this opportunity —

The Hon. the Speaker: I'm sorry, Senator Plett, but you have already spoken to Bill C-57.

Senator Plett: Not on Bill C-57 I haven't. I asked questions on Bill C-57.

The Hon. the Speaker: The table informs me that you have already spoken. I know you haven't spoken on debate, but you have moved an adjournment, which basically takes away your right to speak further if that motion was defeated, as it was.

Senator Martin, do you want to speak?

Hon. Yonah Martin (Deputy Leader of the Opposition): Yes. Sorry, Your Honour; I —

The Hon. the Speaker: If you will recall, there were many motions put forward with respect to this, as everybody will recall, during that long night we had a couple of days ago. You, as well, are in the same position as Senator Plett.

Senator Martin: May I speak on a point of clarification?

The Hon. the Speaker: Sure.

Senator Martin: Thank you. Or could Senator Plett speak on a point of clarification?

The Hon. the Speaker: Sure.

Senator Plett?

Senator Martin: I think it would be helpful if he spoke, if it's okay with the chamber.

Some Hon. Senators: No.

Senator Martin: It's just a point of clarification. I will speak on the point of clarification.

The Hon. the Speaker: Senator Martin, please.

Senator Plett, would you like to speak on a point of clarification?

Senator Plett: Thank you. I will speak on a point of clarification.

Senator Harder again inferred that this was tied to other bills. My agreement with Senator Harder — Senator Smith's and my agreement; the two of us were in his office — clearly referred to two bills: Bill C-69 and Bill C-48. When Senator Harder came into my office and said we had a deal, I asked him what the deal was. He told me what the deal was with regard to Bill C-69. I then asked him, "How about Bill C-48?" He said, "No, sorry."

I don't know whether his words were that he hadn't understood or he had forgotten, but "No, not on Bill C-48." I said, "Do I have your word, Senator Harder, that you would continue negotiations on Bill C-48?" And he said yes. I said, "Senator Harder, I will take you at your word; and even though we haven't finished with Bill C-48, we will support moving Bill C-57 to question today."

Now Senator Harder is saying, because of that, we did not have a deal. That is false. I want Senator Harder to withdraw his comments that he did not have agreement with that, because he did. We will allow this to go to question today because we are a caucus of our word, even if the government is not.

The Hon. the Speaker: Honourable senators, again, this really is a matter for debate outside of the chamber and between the leaderships. I know you have put a question to Senator Harder. I'm going to allow Senator Harder to reply, and then, colleagues, we're going to move on.

Senator Harder: I'll be very brief.

I thank the honourable senator for allowing this message to come to a vote today. What he has neglected to inform this chamber — and I'm happy to do so — is that the agreement we reached with respect to Bill C-69 had a third reading vote to be held on May 30. When I, subsequent to the handshake, discussed this again with the senator, he said that was not his understanding and that it was that we would begin third reading on May 30, to which I said, "Then we do not have a deal."

The Hon. the Speaker: Are honourable senators ready for the question on Bill C-57?

Hon. Senators: Question.

The Hon. the Speaker: It was moved by the Honourable Senator Harder, seconded by the Honourable Senator Mitchell, that the Senate do not insist on its amendment to — may I dispense?

Hon. Senators: Dispense.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: No.

Some Hon. Senators: Yes.

The Hon. the Speaker: All those in favour of the motion will please say "yea."

Some Hon. Senators: Yea.

The Hon. the Speaker: All those opposed to the motion will please say "nay."

Some Hon. Senators: Nay.

The Hon. the Speaker: In my opinion, the "yeas" have it.

And two honourable senators having risen:

The Hon. the Speaker: Do we have agreement on a bell?

Senator Plett: One hour.

The Hon. the Speaker: One-hour bell. The vote will take place at 3:47 p.m. Call in the senators.

• (1540)

TIME ALLOCATION—NOTICE OF MOTION WITHDRAWN

Hon. Peter Harder (Government Representative in the Senate): Yes, Your Honour, with the consent of the chamber, I would ask that the motion, which I tabled notice of just before the bells rang, be withdrawn.

The Hon. the Speaker: Is leave granted, honourable senators?

Hon Senators: Agreed.

(Notice of motion withdrawn.)

BILL TO AMEND—MESSAGE FROM COMMONS—MOTION FOR NON-INSISTENCE UPON SENATE AMENDMENT ADOPTED

Hon. Donald Neil Plett: Honourable senators, I would request leave that the vote be cancelled and that Bill C-57 be passed, on division.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: Agreed.

Senator Plett: On division.

(Motion agreed to, on division.)

• (1550)

CRIMINAL CODE
YOUTH CRIMINAL JUSTICE ACT

BILL TO AMEND—SECOND READING—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Sinclair, seconded by the Honourable Senator Campbell, for the second reading of Bill C-75, An Act to amend the Criminal Code, the Youth Criminal Justice Act and other Acts and to make consequential amendments to other Acts.

Hon. Linda Frum: Honourable senators, I rise to speak to Bill C-75, An Act to amend the Criminal Code, the Youth Criminal Justice Act and other Acts and to make consequential amendments to other Acts.

Bill C-75 is an enormous 200-page omnibus bill that includes major reforms to our criminal justice system. Although one of the stated objectives of the legislation is to reduce delays in Canada's courts, it actually does little to address what is quickly rising to a crisis situation in Canada.

The most obvious solution to reducing delays in our justice system is to fill the 50-plus judicial vacancies that remain in Canada. It is shocking that this government finds it so difficult to fill these vacancies. More shocking yet is the recent revelation in *The Globe and Mail* that the Prime Minister's Office has inserted itself into the vetting process, adding a layer of partisanship to these appointments where it absolutely does not belong.

To be clear, there is no legislation required to fill the stunning number of judicial vacancies in Canadian courts. All it takes is for the Minister of Justice to get on with doing his job without political interference from the PMO.

Bill C-75 is problematic in many ways, but I will highlight a few issues that I find particularly concerning. The first is the issue of hybridization. Hybridizing serious indictable-only offences by adding summary conviction as a sentencing option is not going to reduce court delays. In fact, the Canadian Bar Association has said that hybridization "would likely mean more cases will be heard in provincial court. This could result in further delays in those courts." So not only will there be further delays, but now certain offences against children — for instance, the abduction of children under the age of 14 and 16 — are now eligible for the Crown to proceed by summary conviction.

Bill C-75 will saddle the provinces with additional judicial cases, inmates and rehabilitation costs. Senator Boisvenu asked the sponsor of the bill, Senator Sinclair, to provide us with the cost to provinces that will be a result of Bill C-75, and we are still waiting.

Furthermore, one of the offences being reclassified in Bill C-75 is the breach of long-term supervision orders. Long-term supervision orders apply to the most dangerous sexual predators in our society. These are individuals who are so dangerous that, after they complete their sentence they are subject to a long-term supervision order for up to 10 years, allowing the Correctional Service of Canada to supervise and support them with stringent conditions. With Bill C-75, the Crown will be able to proceed by summary conviction for a breach of long-term supervision.

In essence, the government is telling us that a breach of conditions of a long-term supervision is just a minor offence. No government that truly cares about the safety and welfare of our children would be so casual about the supervision of dangerous child predators, but that is what we get with Bill C-75.

This brings me to the issue of public safety. Canadians expect our justice system to take the actions of offenders seriously. It seems to me that this bill does not prioritize the public's protection, nor does it take the actions of offenders as seriously as it should. For instance, Bill C-75 will legislate a "principle of restraint" for police and courts to ensure that "release at the earliest opportunity is favoured over detention."

Allowing the accused to be released quickly without allowing for some primary consideration of the nature of the offence, and therefore whether or not that individual may be a danger to the public, is a serious red flag for Canadians. In particular, women who experience domestic violence have reasons to fear these proposed changes. The expectation of seeing the perpetrator being released after a short sentence will deter denunciation of domestic violence. Further, Bill C-75 loosens penalties on youth offenders when they break terms of sentencing or court orders.

Current provisions from the Conservative government's Safe Streets and Communities Act require that the Attorney General consider whether it be appropriate to make application that a young person be liable to an adult sentence if that person has committed a serious violent offence. The current provisions were requested by the parents of victims, like the father and mother of Sébastien Lacasse. Sébastien was viciously attacked and killed in 2004 by a group of 10 criminals, three of whom were minors. They bludgeoned him, they used pepper spray, they trampled him while he was pleading for his life, and then they stabbed him several times. Bill C-75 will eliminate this mandatory consideration. To me there is not a clear rationale why this government would eliminate this consideration when it is in the public interest to do so.

Along the same lines, the repeal of the provisions in the Safe Streets and Communities Act with regard to lifting the publication ban on the name of the young offender means that the community is not made aware that very dangerous young people have been released back into the community. Bill C-75 will eliminate the option available to the Crown to have such publication bans lifted in such cases. I can't imagine why the government doesn't leave the discretion to the Crown when the public interest and public safety is at stake.

Finally, I'd like to make two observations about Bill C-75 that relate to the SNC-Lavalin affair. It is interesting to note that this bill, Bill C-75, to amend the Criminal Code, was tabled in the House of Commons only two days after the tabling of Bill C-74, the Budget Implementation Act, 2018. It was budget Bill C-74 and not criminal justice Bill C-75 which contained the amendments to the Criminal Code to establish the principle of deferred prosecution agreements. Why was that? Why did the government choose not to include those amendments in Bill C-75 where they logically belong, but rather shove them two days earlier into a budget bill? Was it a question of a timeline, or was it because then Minister of Justice, the extremely Honourable Jody Wilson-Raybould, would not agree to defend the text of the amendment on deferred prosecution agreements?

We don't know the answers to these questions, but considering recent events and Ms. Wilson-Raybould's status within the Liberal caucus, it's certainly interesting to reflect back on that two-day period in March 2018 and try to understand how a criminal amendment ended up in a budget bill.

It is also interesting to note that among the offences for which Bill C-75 reduces penalties by adding summary conviction as a prosecutorial option, we have a series of offences for corruption of public officials. It may just be a coincidence and have nothing to do with the current scandal surrounding the use of deferred prosecution agreements, but one thing is clear: For this Liberal government, corruption is a crime not worth taking seriously.

It is for all these reasons, colleagues, that I believe Bill C-75 is deeply flawed and should be opposed. At minimum, I hope to see it receive extensive amendment at the Standing Senate Committee on Legal and Constitutional Affairs. Thank you.

(On motion of Senator Martin, debate adjourned.)

THE SENATE

MOTION TO AFFECT QUESTION PERIOD ON MARCH 19, 2019, ADOPTED

Hon. Diane Bellemare (Legislative Deputy to the Government Representative in the Senate), pursuant to notice of February 27, 2019, moved:

> That, in order to allow the Senate to receive a Minister of the Crown during Question Period as authorized by the Senate on December 10, 2015, and notwithstanding rule 4-7, when the Senate sits on Tuesday, March 19, 2019, Question Period shall begin at 3:30 p.m., with any proceedings then before the Senate being interrupted until the end of Question Period, which shall last a maximum of 40 minutes;
>
> That, if a standing vote would conflict with the holding of Question Period at 3:30 p.m. on that day, the vote be postponed until immediately after the conclusion of Question Period;
>
> That, if the bells are ringing for a vote at 3:30 p.m. on that day, they be interrupted for Question Period at that time, and resume thereafter for the balance of any time remaining; and
>
> That, if the Senate concludes its business before 3:30 p.m. on that day, the sitting be suspended until that time for the purpose of holding Question Period.

The Hon. the Speaker: Are senators ready for the question?

• (1600)

Hon. Donald Neil Plett: Your honour, I have one question for Senator Bellemare.

Could you tell us whether the minister has been chosen and, if so, who that is?

Hon. Peter Harder (Government Representative in the Senate): Let me take that question, because I have been part of the discussions amongst leaders.

As I indicated to leaders the week we were back, the first minister who we did not receive because of the amendment that prevented the minister from coming was Minister Lametti.

The second minister we will receive in the week we return is Minister Rodriguez, who is responsible for the Indigenous languages bill. A number of senators have expressed an interest in that, and that was conveyed in the leaders' meeting.

Senator Plett: Thank you.

The Hon. the Speaker: Are senators ready for the question?

Hon. Senators: Question.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

(Motion agreed to.)

ADJOURNMENT

MOTION ADOPTED

Hon. Diane Bellemare (Legislative Deputy to the Government Representative in the Senate): , pursuant to notice of February 27, 2019, moved:

> That, when the Senate next adjourns after the adoption of this motion, it do stand adjourned until Monday, March 18, 2019, at 6 p.m.; and
>
> That rule 3-3(1) be suspended on that day.

Senator Plett: I apologize, Your Honour, but I thought I heard yesterday, when Senator Bellemare moved the notice of motion, that it was 6:30. This says 6 p.m. Is 6 p.m. correct or is 6:30 correct?

Senator Bellemare: Senators, 6 p.m. is correct. That was an error.

Senator Plett: Thank you.

The Hon. the Speaker: Are honourable senators ready for the question?

Some Hon. Senators: Question.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

(Motion agreed to.)

ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES

COMMITTEE AUTHORIZED TO TRAVEL—
MOTION IN AMENDMENT WITHDRAWN

Leave having been given to proceed to Other Business, Motions, Order No. 441:

On the Order:

> Resuming debate on the motion of the Honourable Senator Galvez, seconded by the Honourable Senator Moodie:
>
> That the Standing Senate Committee on Energy, the Environment and Natural Resources have the power to travel within Canada, for the purpose of its examination and consideration of Bill C-69, An Act to enact the Impact Assessment Act and the Canadian Energy Regulator Act, to amend the Navigation Protection Act and to make consequential amendments to other Acts.
>
> And on the motion in amendment of the Honourable Senator Simons, seconded by the Honourable Senator Duncan:
>
> That the motion be not now adopted, but that it be amended by adding the following immediately after the word "Acts":
>
> > ", and that the committee be instructed to report Bill C-69 to the Senate no later than Thursday, May 9, 2019".

Hon. Paula Simons: Honourable senators, pursuant to rule 5-10(1), I ask for leave to withdraw my amendment. At its meeting this morning, our committee adopted a report date of May 9, and I am pleased to say my amendment to Motion No. 441 is now superfluous.

The Hon. the Speaker: Is leave granted, honourable senators?

Hon. Senators: Agreed.

(Motion in amendment withdrawn.)

The Hon. the Speaker: Debate now continues on the main motion. Are honourable senators ready for the question?

Hon. Senators: Question.

Hon. Donald Neil Plett: Your Honour, I will not spend a great amount of time debating this. We are in favour of this motion. I would like some clarification from Senator Galvez, but I have to do this, obviously, in debate.

When Senator Galvez spoke against her own motion here the other day, I rose and asked her a couple of questions. One of the things I said, and I will read from Hansard:

> First of all, I find it strange that you make a motion and then spend 10 minutes speaking against your own motion. Usually when you present something, you support it.

I then asked her a question:

> Did the committee vote on it, and was it agreed and adopted to travel?

Senator Galvez's answer was:

> There was a motion for travel that was not supported unanimously.

I now find that, in fact, is not correct. The vote on the travel motion was in public and it was unanimous.

Senator Galvez, on February 5, at the Energy Committee, Senator Simons made a motion. It reads:

> Madam Chair, I move:
>
> That the Subcommittee on Agenda and Procedure [the steering committee], be instructed to develop a plan for deliberations on Bill C-69, including a plan for travel to hear from witnesses, with that travel to include plans for Atlantic Canada, Quebec and Western Canada.

The chair later said:

> Now we are voting on the motion, as amended. Who votes in favour of the motion, as amended?

Again, the chair:

> The motion carries unanimously. That's perfect. Thank you very much.

I'm wondering whether, in light of that, Senator Galvez would like to correct the record and say, in fact, that the motion did pass unanimously.

The Hon. the Speaker: Honourable senators, for clarity, it's out of order for Senator Plett to directly ask questions of Senator Galvez. However, it is perfectly in order for Senator Plett to enter the debate and raise as many questions in that debate as he wishes.

Hon. Rosa Galvez: I want to make three short points.

Perhaps I made a mistake. I think two people were abstaining or in opposition. However, I'm happy there are public records. I hope that in all committees public records are there for the public. I am happy that has been corrected. I am sorry about that.

Yesterday, I didn't say at any time that I wanted senators to vote against travel. On the contrary, I did mention that it would be good for the committee to go to the small communities that have been impacted, for example, the northern part of Alberta. That is how I explain my situation.

The Hon. the Speaker: Are honourable senators ready for the question?

Hon. Senators: Question.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: Agreed.

An Hon. Senator: On division.

(Motion agreed to, on division.)

GIRL GUIDES OF CANADA BILL

PRIVATE BILL—THIRD READING—MOTION IN AMENDMENT—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Mercer, seconded by the Honourable Senator Cordy, for the third reading of Bill S-1002, An Act respecting Girl Guides of Canada.
>
> And on the motion in amendment of the Honourable Senator Dalphond, seconded by the Honourable Senator Dupuis:
>
> That Bill S-1002 be not now read a third time, but that it be amended on page 8 by adding the following after line 17:
>
> "**16.1 (1)** Directors of the Corporation are jointly and severally, or solidarily, liable to employees of the Corporation for all debts not exceeding six months' wages payable to each employee for services performed for the Corporation while they are directors.
>
> **(2)** A director is not liable under subsection (1) unless
>
> **(a)** the Corporation has been sued for the debt within six months after it has become due and execution has been returned unsatisfied in whole or in part;
>
> **(b)** the Corporation has commenced liquidation and dissolution proceedings or has been dissolved and a claim for the debt has been proved within six months after the earlier of the date of commencement of the liquidation and dissolution proceedings and the date of dissolution; or
>
> **(c)** the Corporation has made an assignment or a receiving order has been made against it under the Bankruptcy and Insolvency Act and a claim for the debt has been proved within six months after the date of the assignment or receiving order.
>
> **(3)** A director, unless sued for a debt referred to in subsection (1) while a director or within two years after ceasing to be a director, is not liable under this section.
>
> **(4)** If execution referred to in paragraph (2)(a) has issued, the amount recoverable from a director is the amount remaining unsatisfied after execution.
>
> **(5)** A director who pays a debt referred to in subsection (1) that is proved in liquidation and dissolution or bankruptcy proceedings is subrogated to any priority that the employee would have been entitled to and, if a judgment has been obtained, the director is
>
> **(a)** in Quebec, subrogated to the employee's rights as declared in the judgment; and
>
> **(b)** elsewhere in Canada, entitled to an assignment of the judgment.

> **(6)** A director who has satisfied a claim under this section is entitled to recover from the other directors who were liable for the claim their respective shares.”.

Hon. Mobina S. B. Jaffer: Honourable senators, I rise today to speak to an important amendment that our esteemed colleague Senator Dalphond has raised and ask that it be adopted into Bill S-1002, An Act respecting Girl Guides of Canada.

Senator Dalphond’s amendment introduces a provision that applies to all other non-profit organizations and mirrors key protections that are incorporated under a critical piece of legislation, the Canada Not-for-profit Corporations Act.

More specifically, Senator Dalphond’s amendment provides the 175 employees of Girl Guides of Canada with the same protection as employees of other non-profit corporations across Canada.

The Canada Not-for-profit Corporations Act is a comprehensive piece of legislation that provides thousands of Canadian not-for-profit institutions with legal protections essential to their governance. Including these provisions in Bill S-1002 will allow the Girl Guides of Canada-Guides du Canada equal footing as other similar modern institutions.

Senator Dalphond’s amendment also fulfils an understanding that was reached when Bill S-1002 was studied in the Banking, Trade and Commerce Committee.

In committee, Senator Dalphond raised an important point that he posed to the officials of Girl Guides of Canada-Guides du Canada. Allow me to read a quote from the committee.

> You made a compelling case for having a special piece of legislation. I can relate to the historical reasons and things you want to preserve, but you have carefully included provisions from Canada Not-for-profit Corporations Act in your bill. They are word for word, with no change, but some are missing. A missing one that is of concern to me is the one related to unpaid wages and salaries. . . . I don’t understand why you have not reproduced in your bill the provision dealing with the liability of the director for wages and removing protections for the 175 employees of the corporation.

• (1610)

In her response, director of governance for Girl Guides of Canada, Ms. Brenda Abrams, relayed to the committee that Girl Guides of Canada/Guides du Canada does not in any way oppose these protections from being included in Bill S-1002.

Honourable senators, Girl Guides Canada/Guides du Canada are in agreement with this amendment. In fact, they are in favour of taking extra precautionary measures to ensure they remain transparent and accountable to their employees.

I thank Senator Dalphond for helping to improve the bill and, more importantly, for protecting the rights of employees. Thank you, Senator Dalphond.

I ask honourable senators to adopt this motion into the bill to ensure that the employees of Girl Guides of Canada/Guides du Canada enjoy the same protections as other not-for-profit corporations.

(On motion of Senator Day, for Senator Mercer, debate adjourned.)

EMANCIPATION DAY BILL

SECOND READING—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Bernard, seconded by the Honourable Senator Forest, for the second reading of Bill S-255, An Act proclaiming Emancipation Day.

Hon. Colin Deacon: Honourable senators, I rise today to speak at second reading of Bill S-255, the Emancipation Day Act.

I hadn’t intended to speak about this legislation, in part because I felt our colleague and the sponsor of this bill, Senator Wanda Thomas Bernard, is such an outstanding voice on issues affecting African Canadians. Additionally, the broader human rights work she has done and continues to do is intimidatingly impressive. With a voice like that in this debate, what could I possibly add?

Of course, that is exactly the point.

Part of this bill’s preamble notes that:

> . . . it is appropriate to recognize August 1 formally as Emancipation Day and to observe it as a poignant reminder of an abhorrent period in Canada’s history in order to allow Canadians to reflect upon the imperative to continue to commit to eliminating discrimination in all its forms . . .

It is equally important for those of us who have not and do not personally experience the effects of racism in their daily lives to reflect on these issues.

Senator Bernard was recently featured in a video on the Senate website. She was in conversation with one of our pages, O’Neal Ishimwe, discussing issues of race and identity in honour of African Heritage Month.

It’s a powerful video and I encourage all honourable senators to watch it. I must admit that it forced me to acknowledge my own privilege and, quite frankly, my own ignorance.

O’Neal spoke candidly and matter-of-factly about his reality: that as a young Black man he is always thinking about his race, about where he is walking, how he is walking and how he is dressed. Real life realities require him to always be thinking about these things in Canada, in Ottawa, in this day and age. It was a stark reminder that I do not, and have not, had those

thoughts. I was grateful to see how O'Neal described an important reality of his daily life in a way that so jarringly contrasted with my own reality.

During this video, Senator Bernard and O'Neal discuss the importance of recognizing African Heritage Month specifically, and the difference between African Heritage Month and Black History Month. Yes, it is important to celebrate Black History. However, in Nova Scotia we recognize African Heritage in order to connect the realities faced by Black Canadians today to their ancestors' enslavement, emancipation and survival. Honouring history helps us to build a more inclusive future.

Senator Mégie was also featured in a similar video with another of our wonderful pages, Priscilia Odia Kabengele. Their conversation was inspirational on every level and gave me hope that, when and where open minds exist, great opportunity flows for all Canadians.

Canadians like myself will also benefit from commemorating this historic day as it encourages us all to reflect on the imperative to commit to eliminating discrimination in all its forms. Those of us who do not face racial discrimination on a daily basis are not only privileged, but are the ones who must help spur change.

While I believe it is important for allies to spend more time listening than speaking, I also feel compelled to stand up and advocate for change. I would like to take a few minutes to reflect on our shared history and how far we still have to go.

As Canadians, I think we like to believe that we are good people. I like to believe that we are good people. We can be kind and compassionate and we are certainly full of a lot of "pleases," "thank yous" and "I'm sorrys." We must also acknowledge that, while this bill commemorates the abolition of slavery, we as Canadians are certainly not yet in a position to celebrate the abolition of racism in our country.

I grew up learning, with pride, that Black Loyalists fleeing the United States for Canada were given land so that they could escape to safety and build a life and that Canada was the safe destination at the end of the Underground Railroad. I was taught these heartwarming headlines. I slowly — much too slowly — came to learn that the details are not nearly so comforting.

In her sponsor's speech, Senator Bernard reminded us all of Africville, a Black community in Halifax's North End, established in 1749, the same time as our city. Starting in 1964, its residents were forcibly removed, suffering the trauma of seeing their homes bulldozed and their community demolished.

I say "reminded," but I know there are many Canadians, particularly those outside of Nova Scotia, who may not have heard of Africville, nor learned of it in school. I was one of those Canadians, growing up in rural Ontario. This, too, is an example of the persistent racism that can be found in Canada: Whose stories are being told? Whose voices are we hearing? How can we do better? Bill S-255 provides an opportunity to address these important questions on an ongoing basis.

About nine years ago, the Mayor of Halifax finally offered a formal apology to the former residents of Africville and their descendants, noting that:

> The repercussions of what happened to Africville linger to this day.

It is equally important to note that it is not just the repercussions which linger, but to understand that the root causes, including institutionalized and environmental racism, are still far too prevalent.

Africville may be one of the most visceral examples of the displacement of Black communities, but it is by no means the exception.

I was surprised when, in 2015, students at the Nova Scotia Community College launched an investigation into land titles in North Preston, a community of predominantly African-Nova Scotian residents near Halifax. I was surprised because what these students discovered, with shocking details, was that many families, who have lived on their land for centuries, don't have a legal title and therefore are paying taxes on land that they cannot legally sell, they cannot mortgage and cannot will to their descendants.

Through the efforts of these students, national and even international attention was generated and it spurred the Government of Nova Scotia to help fund an initiative to assist these residents to get clear title to the land on which they live and on which their ancestors lived before them.

Honourable senators, that work is still ongoing. It remains a slow and frustrating process and should not be a situation that Canadians have to deal with in 2019.

These are not the only types of land issues that are happening in Black communities in Nova Scotia. As with many other places, gentrification is playing a role in the displacement, yet again, of African-Nova Scotians from their communities.

North End Halifax is one example, where changing demographics have resulted in marginalization, with the existing residents feeling pushed out of their own community.

Of course, simply having land rights or a community does not insulate one from other forms of racism.

Birchtown, a community on Nova Scotia's South Shore, is where many Black Loyalists settled after the American Revolution. This area is the genesis of Black history in Nova Scotia and I understand that Senator Bernard's family heritage in East Preston also reaches back to those earliest days of our province's history.

In her speech on Bill S-255, Senator Coyle made reference to Birchtown being the largest settlement of free Blacks in North America, named after Brigadier General Samuel Birch, who was responsible for the creation of the Book of Negroes. As Senator Coyle told us:

> . . . the good land went to the White Loyalists and the Black Loyalists were not given what had been promised to them.

Many left and resettled in Sierra Leone but those who stayed built a community there, one that was rich with history. A complicated history, yes, but still part of our history.

And yet in 1963, when Birchtown residents sought historical designation for their community, they were denied. Denying history may bring comfort to some, but causes further pain to those whose legitimate place in that history is not being recognized.

• (1620)

In 1991 the Black Loyalist Heritage Society was incorporated. The same year saw an archaeological discovery of thousands of artifacts from the late 18th century. Finally, in 1996 the National Historic Sites and Monuments Board erected a plaque that recognized Birchtown as a "...proud symbol of the struggle by Blacks in the Maritimes and elsewhere for justice and dignity."

Sadly, the struggle continues to this day. The Shelburne African Nova Scotia community is the site of a current research project into water-quality issues. Anecdotal evidence of the effect of the former Shelburne dump on the community is disconcerting. Louise Delisle, one of the members involved in the South End Environmental Injustice Society, doesn't mince words when she says:

> The majority of the Black men in the community have died of cancer. There's a community of widows in Shelburne. That's what it is.

I'm glad that work is now being done to investigate the effects of that dump on the community. Ms. Delisle cited the dump in a compelling CBC story last spring as yet another example of environmental racism. The more we learn from our past, the better equipped we are to proactively avoid these mistakes, rather than reactively deal with their fallout.

I'm grateful to my colleague Senator Bernard and hope to continue to benefit from her guidance in how I can contribute to the fight for justice which should not be an issue in a country that prides itself in being committed to the rule of law, respectful for all and to fulfilling the promise of the *Canadian Charter of Rights and Freedoms* adopted almost 37 years ago.

Honourable senators, today we're still in Nova Scotia African Heritage Month — in the last minutes of it. The theme for this year is, "Our history is your history." I can think of no better phrase to articulate why it is so important for us to recognize Emancipation Day and the extensive work that remains in order that we fulfill the promise of that Act, 185 years hence.

I was inspired to learn that we may be making progress when it comes to what our kids are learning. Recently, a group of junior high school students in Cole Harbour had the opportunity to learn more about the racism and injustice that some are experiencing. That is something I could have benefitted from 45 years ago when I was in junior high school. A Grade 9 student ably summed up the importance of expanding how we teach. She said:

> When I asked my social studies teacher about the things we are learning, she said that it's important to teach history so that history doesn't repeat itself. But they never teach you about black history so I think if they did, there wouldn't be as many racial issues.

Bill S-255 seeks to address this very point. Let's ensure that we recognize our shared past so we can build a more inclusive future.

While I focused my remarks today on my own province of Nova Scotia, these issues are relevant to all of our provinces and territories. Honouring Emancipation Day nationally will not just be a day for African-Canadians; it's a day for all of us.

I identify my own reflection in watching Senator Bernard's interview with O'Neal as evidence of our collective job and how it is far from being done.

The Senate has a role in protecting marginalized groups and giving them a voice in Parliament. This is literally our job. This being Black History Month, I can think of no better celebration than for this Chamber to send this bill to committee and accept our collective responsibility and history. Thank you very much.

Hon. Senators: Hear, hear!

Hon. Victor Oh: Honourable senators, I rise on this last day of Black History Month, celebrated by Canadians every February, to speak on second reading of Bill S-255, an act proclaiming emancipation day. I thank Senator Bernard for introducing this important bill.

As Senator Bernard noted, it has been 184 years since the Slavery Abolition Act was passed. We are now in the International Decade for People of African Descent.

Bill S-255 designates August 1 as emancipation day to commemorate the abolition of slavery in Canada. Senator Bernard says:

> Emancipation day is about learning our collective history — not rewriting the history, but telling a more complete history that includes the history of slavery in Canada.

As with the Black community, the contributions made and hardships suffered by many minorities in Canada were essentially erased from the pages of history. A more complete history should include those stories. Karen Cho is a fifth-generation Canadian of mixed heritage and film-maker of an award-winning film, "In the Shadow of Gold Mountain." She stated that not one of her history books or social studies classes mentioned anything about the Chinese in Canada. As far as she knew, her Chinese side was the most foreign and least Canadian thing about her. This absence of the Chinese story in the narrative of Canada is both a symptom of history being told by those with the most power and privilege in society, and also the residue of the head tax and exclusion act's dark legacy.

For long periods in our history, Black Canadians have been subject to slavery and discrimination. Unfortunately, even today, issues of unconscious bias, systemic discrimination and racist micro-aggressions persist. According to the 2018 PSAC's Black History Month statement, Black Canadians make up only 3 per cent of the general population, but represent 10 per cent of the Canadian federal prison population Canadian federal prison population.

Black students face higher rates of suspensions and expulsions than other students. From 2015 to 2016, Black students in Halifax represented only 8 per cent of the total student body, but received 22.5 per cent of the total suspensions.

During the 2015 school year in Toronto, Black students represented 50 per cent of the expulsions while only 10 per cent of expulsions went to white students.

Black women in Canada face an unemployment rate of 11 per cent, which is more than double the national average. They earn $0.63 for every dollar earned by White men and $0.85 for every dollar earned by White women.

On April 12, 2018, the Ontario Human Rights Commission released a report entitled, "Interrupted childhoods: Over-representation of Indigenous and Black children in Ontario child welfare." The OHRC inquiry found that Black children and youths are over-represented in admissions into care in many agencies in Ontario. By contrast, White children tended to be under-represented in the child welfare system.

The long-term damage caused by separating children from their family is undeniable. Concerns of racism and racial profiling are not figments of our imaginations. The statistics prove this. They are real.

• (1630)

This is precisely why I support S-255, to help facilitate education, examine systemic racism and work to improve the lives of all Canadians.

This bill also provides a great platform to honour the story of everyday heroes of African descent across our nation. It is an opportunity to celebrate the values of perseverance and dignity that have defined the Black community in Canada for generations.

We can all agree on the importance of remembering the legacy and contribution made by Black Canadians in all areas of society. In public office, I'm very proud of my party's own legacy. For example, the Honourable Lincoln Alexander who, over 50 years ago, became the first Black member of Parliament and went on to serve as the first Black cabinet minister. Later, of course, he served as lieutenant governor of the province of Ontario.

I also think of Douglas Jung, a decorated member of the Canadian Armed Forces, who was elected as the Conservative member of Vancouver Centre in 1957, the first Canadian of Chinese descent to serve as a member of Parliament. In fact, the first visible minority to serve in Parliament.

These are two examples of many here in Canada which characterize the pride, strength and dignity that have driven Canadians of diverse backgrounds to realize their ambitions in all fields of endeavour. Canada has been an arena where many groups of people have struggled for acceptance. As a member of the Chinese Canadian community, we know this all too well.

2019 marked 72 years since the repeal of the Chinese Immigration Act — the only law in Canadian history to bar a specific ethnic group from coming to Canada. This community, which helped build the Pacific railway, faced exclusion once the railway was completed. Despite state-sanctioned discrimination, hundreds of Chinese Canadians fought in the Second World War in the Canadian Army, even though they were barred on racial grounds from joining the Royal Canadian Air Force and Royal Canadian Navy.

As for Black Canadians, many former slaves and Black Loyalists who fought on the Canadian side during the War of 1812 settled in places like Nova Scotia and southwestern Ontario where they and their descendants formed communities and continue to this day to enrich Canada.

I encourage all Canadians to learn more about the origins and impact of discriminatory legislation that was enacted against minority communities. I also encourage all Canadians to learn more about the resilience and contributions of these great communities.

Honourable senators, we should continue to learn from the past and fight against social injustices faced by all minorities today. In this era of new threats and challenges, it is more important than ever that we stand united and bolster the hard-earned equality.

Please allow me to quote Karen Cho as an end note:

> There is power in knowing your history and making sure it takes its rightful place in the narrative of Canada.

Thank you.

(On motion of Senator Martin, debate adjourned.)

UNITED NATIONS DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES BILL

SECOND READING—DEBATE

On the Order:

> Resuming debate on the motion of the Honourable Senator Sinclair, seconded by the Honourable Senator Pratte, for the second reading of Bill C-262, An Act to ensure that the laws of Canada are in harmony with the United Nations Declaration on the Rights of Indigenous Peoples.

Hon. Marty Klyne: Honourable colleagues, I rise today to speak to Bill C-262, An Act to ensure that the laws of Canada are in harmony with the United Nations Declaration on the Rights of Indigenous Peoples.

Honourable colleagues, to begin, I will declare I'm from Treaty 4 territory and homeland of the Saskatchewan Metis and I acknowledge I am standing on unceded Algonquin Anishinaabe territory.

Bill C-262 asks that Canada accept the UN declaration which was adopted by the UN General Assembly with the support of 144 nation members in September 2007. Canada was one of the four nations in 2007 which voted against this declaration, alongside the U.S., Australia and New Zealand.

In 2016, the present government announced that Canada is a full supporter of the declaration without qualification.

Notwithstanding, divisions against the declaration persist along party lines as evidenced by Bill C-262 having majority support in the House of Commons with 206 yeas from all parties and 79 nays from members of the Conservative Party who voted against the bill.

For those who do not know, the UN declaration consists of 46 articles asking signatory states to ensure certain outcomes for Indigenous peoples.

For example, six of those 46 articles ask signatory states to ensure Indigenous peoples: Have the full enjoyment of all human rights and fundamental freedoms; are permitted to be free and equal to all others without facing discrimination; have the right to self-determination, to determine their political status, economic, social and cultural development; have the right to not be forcibly removed from their lands or territories; have the right to teach their own children in their own languages; have the right to actively determine and develop priorities and strategies for health, housing, economic and social programs through their own institutions.

Honourable colleagues, I think these are basic rights. Recognition of them is necessary because, due to our systemic disenfranchisement, not all Indigenous communities or nations have the same functional relationship with the government.

The current government is, however, working to address these inequities which originate from the colonial institutional strategy of assimilation. In 2015, the Truth and Reconciliation Commission, or TRC, proposed 94 Calls to Action emphasizing the need for government to be held to a higher standard when working with Indigenous communities and to provide a way forward to close the gap compared with the rest of the country.

Thirteen of the calls to action require the government adopt the UN declaration. Recommendation number 43, for instance, states:

> We call upon federal, provincial, territorial, and municipal governments to fully adopt and implement the United Nations Declaration on the Rights of Indigenous Peoples as the framework for reconciliation.

The TRC also made some very sensible and reasonable requests such as: Canadian students and law societies come to understand the history and legacy of residential schools and treaties which, for all intents and purposes, led to the necessity of UNDRIP.

• (1640)

I'd like to address some misconceptions about the UN declaration in Bill C-262. The first misconception is that the UN declaration will supersede the Canadian government's right to govern without interference from international bodies.

The second misrepresentation would claim that this declaration will give too much power to Indigenous peoples who may disrupt the government's abilities to continue with business as usual. We can give the benefit of the doubt that these fears stem from not fully understanding the declaration or taking the time to do so.

On that note, I refer you to Article 46, section 1, of the UN declaration, which states:

> Nothing in this Declaration may be interpreted as implying for any State, people, group or person any right to engage in any activity or to perform any act contrary to the Charter of the United Nations or construed as authorizing or encouraging any action which could dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States.

This means — and has been stated by the UN to mean — that the declaration is not a legally binding instrument of international law. Rather, it acts as the standard and the commitment for 144 nation member states. It seeks to restore the rights of Indigenous people and prevent future discrimination against Indigenous peoples and their communities.

If we read further down the declaration, we see that it does not ask for anything more than Canada to uphold its international human rights obligations and be inclusive of its Indigenous peoples. These rights are already enshrined in the Universal Declaration of Human Rights, to which Canada is a signatory.

Article 46, section 2, of UNDRIP states that:

> The exercise of the rights set forth in this Declaration shall be subject only to such limitations as are determined by law and in accordance with international human rights obligations.

Some parliamentarians against this bill may believe that the signing of the Universal Human Rights Declaration in December 1948 — some 70 years ago — was enough to protect Canada's Indigenous peoples and their communities, but history has shown otherwise.

Residential schools continued with full force efforts aimed at erasing language and culture for an additional four decades after Canada signed the Universal Human Rights Declaration.

The Sixties Scoop, which happened between the 1960s up until the 1980s, saw thousands of Indigenous children and youth forcibly removed from their families to be raised by non-Indigenous households, despite Canada signing the Universal Human Rights Declaration.

The inequality continues into the present.

On January 14, 2019, the UN Human Rights Committee ruled that Canada's Indian Act continues to discriminate against First Nations women and their dependents by continuing to prevent them the right to have their status recognized.

At the end of the day, the UN declaration seeks to only solidify our nation's obligation to treat as equals the Indigenous peoples of Canada. That equal treatment will move us closer to restoring the full and true nation-to-nation relationship that is essential to the future of Canada.

I fully support the adoption of the UN declaration through the lens of having spent several decades working alongside Canada's Indigenous people who are attempting to secure their future through economic independence while maintaining, protecting and, in some cases, restoring their cultural heritage and community values.

As mentioned earlier, the UN declaration identified the importance for communities to have the right to self-determination, to determine their political status, economic, social and cultural development. Self-determination and economic development are not mutually exclusive from social and cultural development. In fact, they work together. These things are inextricably linked.

Several Indigenous communities have successfully leveraged economic self-determination while practising their traditional values. For example, the Osoyoos Indian Band in British Columbia is very successful in its business development, and as its community strives to be even more successful, they fully embrace their cultural heritage. Their goals are:

> To achieve self-reliance through economic development and to preserve the First Nations culture through the creation of jobs on our lands for future generations.

Equally, the Whitecap Dakota First Nation of Saskatchewan enjoys similar success. Their goals are:

> To create an economically self-sustaining community with financially independent members through the effective use of economic tools that maximize the available resources, respect the Dakota culture and protect the environment while protecting and enhancing inherent rights.

In addition, there is the FHQ Developments corporation, which represents 11 First Nations communities of the File Hills Qu'Appelle Tribal Council, representing 15,000 people in Saskatchewan. I will relate to you their mission statement: "We contribute to the long-term economic independence and prosperity of our limited partners and our citizens by developing profitable business ventures, economic development opportunities and advancing employment and livelihood for our nations and citizens in a manner consistent with the Cree, Dakota, Lakota and Anishinaabe nations' teachings."

This is only to cite three successful Indigenous development corporations. I could go on about others like Membertou, Meadow Lake Tribal Council, Lac La Ronge Indian Band and many others across this country from coast to coast to coast. These others have demonstrated strong leadership in economic development, all the while embracing cultural values and protecting their heritage.

I would be remiss if I didn't also reference organizations such as the National Aboriginal Capital Corporations Association, or NACCA, founded in 1985 and today representing 58 Aboriginal financial institutions across Canada, providing financing for business start-ups, expansions and acquisitions. The outcomes of the loans and investments from these Aboriginal financial institutions increase job security, raise median wages on and off reserve, and provide communities with opportunities to meaningfully participate in Canada's economy, not to mention the millions upon millions of tax dollars that have been paid at the three senior levels of government.

While many Indigenous economic development corporations and entrepreneurs are thriving, not all communities have been able to seize the same opportunities. By adopting the UN declaration, we as a country recognize the importance of human rights for ensuring all Indigenous communities and entrepreneurs continue to work toward becoming self-reliant people.

I want to conclude by talking about Canada's future and changing demographics. Indigenous youth are one of the fastest growing populations in Canada. Soon there will be some Canadian corporate centres that will count 25 per cent of their population as being Indigenous.

Statistics Canada found in their 2016 Census that Indigenous communities are some of the youngest populations in the country, with an average age of 32 compared with 40 years of age for non-Aboriginal populations.

Non-Indigenous youth under 14 years of age make up only 16 per cent of the population, while among the Inuit they are 33 per cent; among the First Nations, they are 29 per cent; and among the Metis, they are 22 per cent.

Through adopting Bill C-262, we are providing these youth and their future families and communities an equal opportunity to actively participate in Canada's economy, creating jobs and creating wealth and hence meaningfully contributing to the productivity of Canada.

I ask you, honourable colleagues, to honour Bill C-262 so Canada is all that it can be and truly be the true North, strong and free. By doing so, you will accelerate the participation rate of Indigenous people in Canada's economy, leading to further job creation, wealth creation and self-determination of our people, providing a strong base to ensure a lasting future of cultural and social identity that defines a proud Canada. I know if you support truth and reconciliation, you will support Bill C-262. Thank you.

• (1650)

Hon. Scott Tannas: Would the senator take a question?

Senator Klyne: Yes.

Senator Tannas: Thank you, sir. I enjoyed your intervention. You probably know where I'm going to go with my questions.

I've raised this before with other speakers. I'm very much looking forward to getting the bill to committee so that we can get into the evidence.

I'm troubled by the assertion made by you and by other speakers that somehow this bill doesn't count, that the UN declaration is just an aspirational thing or it doesn't have any force. I get that. I understand the UN declaration in and of itself is a declaration and isn't high priority. This bill codifies the UN declaration. We can say the Desiderata doesn't have any weight in law.

Hon. Patricia Bovey (The Hon. the Acting Speaker): Senator Klyne, your time has expired. Are you asking for another five minutes?

Senator Klyne: Yes, please.

The Hon. the Acting Speaker: Is leave granted, honourable senators?

Hon. Senators: Agreed.

The Hon. the Acting Speaker: Continue, Senator Tannas. Thank you.

Senator Tannas: We can say the Desiderata doesn't have any legal weight, but if we put it in a bill and say things like, "An Act to ensure that the acts of Canada are in harmony with the Desiderata," instead of the United Nations declaration, and if we go along here in the bill to where we say, "The Government of Canada, in consultation and co-operation with indigenous peoples in Canada, must take all measures necessary to ensure that the laws of Canada are consistent with the United Nations Declaration . . . " I think that whether we have the Desiderata, we are codifying that document. It doesn't matter what the United Nations thinks anymore. It is now what we think. It is now the law here.

I'm just wondering, for Canadians, if you could give us your thoughts on the other pieces that now concern them, because free, prior and informed consent to a normal Canadian reading it would mean what it appears to mean. Article 26, which others have said is of concern, is pretty clear as well.

Am I misreading this, or are we, in fact, passing a law to make sure that all of the words in the United Nations declaration are, in fact, law in this country?

Senator Klyne: Thank you, senator, for the question. I think I would be remiss if I were to try to give a legal opinion on your observations. I won't attempt to do that. But I would echo the same interest you have in seeing this get to a Senate study so we can examine that bill and ask a panel of experts those very questions.

I think the spirit and intent of what is intended here is to honour treaty rights, to honour truth and reconciliation and ensure that people have their opportunity for self-determination.

For me, and I think I can say this because I've spent so many years working in the realm of Aboriginal economic development, I see the way of economic prosperity of taking people off the welfare rolls. They don't necessarily want to be on there. They don't want to be looking for social assistance. They want to fully participate actively in the economy. For many decades, far too many and lost generations, we've been looking inside from the outside. I've seen so many success stories. I'd be willing to sit down with anybody and talk about them. There are numerous ones where people are actively participating in the mainstream economy successfully and partnering with limited partners in the mainstream. I can see what that does for their communities.

I can hold out the Osoyoos Indian Band as one where the chief would say: "If you're not working, you'd better be in school or consulting with a therapist," because they don't view unemployment as acceptable. Thank you.

Hon. Brian Francis: Honourable colleagues, I rise today in support of Bill C-262, An Act to ensure that the laws of Canada are in harmony with the United Nations Declaration on the Rights of Indigenous Peoples. I am humbled to be speaking to this bill. It echoes the hopes of justice and reconciliation that have been sought by Indigenous people in Canada for decades. This bill passed in the other place with overwhelming support. This was not an easy task in the current political climate. It is testament to the necessity of such a document.

Bill C-262 sets out a roadmap for the future. It reaffirms the rights that Indigenous peoples are entitled to as individuals and as a collective. It is meant to guide legislators in reviewing and analyzing past legislation that has an impact on the lives of First Nations, Metis and Inuit in Canada.

It is to be used to determine whether standards for our survival, dignity and well-being are being met and what changes may be needed to ensure that the wrongs of the past, which continue to affect our present, are effectively addressed.

Colleagues, I am a proud Mi'kmaq from Prince Edward Island. Our people have lived in the province for at least 12,000 years. We have a rich history and culture that pays respect to the learning and teachings of our elders and ancestors. We believe in respecting and protecting the environment and living in harmony with people and creatures around us.

Our people have endured hardship and despair for generations due to circumstances that are not the result of our own choices. We, like many other Indigenous peoples in Canada, have been subject to cruel and unfair laws and policies that have been imposed upon us.

Despite this, we have shown great resilience and determination and remain committed to maintaining positive relationships.

Many of you know I am the former chief of the Abegweit First Nation in Prince Edward Island, which consists of three geographically separated reserves: Morell, Rocky Point and Scotchfort. I served in this role 12 years. During this time, I brought forward multiple initiatives to improve the social, economic and cultural well-being of our people and our communities. Let me give you some examples.

Early on in my term, we focused on education and invested in it for the development of human capital. As a result, many of our members obtained high school diplomas or skills training and upgrading. These efforts helped provide members with the tools to empower themselves, their families and communities. It is undeniable that access to quality education enables Indigenous peoples to realize our right to self-determination and our capacity to pursue a sustainable livelihood, yet not all of us have or have had equal opportunities to enjoy this basic right.

During my term, we focused on improving infrastructure to put an end to our decades-long boil drinking water advisories. Entire generations had gone without access to safe, clean and reliable drinking water for even the most basic of personal and household uses.

In fact, I remember as a young child having to hand pump water from a well that was never tested for contaminants while peers who lived off reserve had access to water that was safe, clean and reliable.

This and other inequalities were a great source of sadness for me and later inspired me to seek equal opportunities and greater access to resources for my community. This struggle continues today.

It is 2019. It is completely unacceptable that Indigenous peoples still do not have access to the same standards as other Canadians. Then and now, most Canadians take for granted having access to even the most basic standards. For Indigenous people who struggle with poverty and other systemic barriers, it is often a daily hardship.

We historically have had to prove our rights. We have had to mobilize to ensure they are recognized, often having to go through the courts or through claims and negotiations.

A few years before I became chief and administrator of the Abegweit First Nation, the Mi'kmaq Confederacy of Prince Edward Island was established.

• (1700)

The confederacy was created to connect the shared concerns of both the Abegweit and Lennox Island First Nations, which are the province's two First Nations bands, and have a unified voice to advance and promote a strong understanding of our rights, culture and heritage. We have built a more solid relationship with the federal and provincial government in the hope that our people will benefit from what is rightfully ours.

In my time as chief, I was one of the formal signatories to the Canada/Prince Edward Island/Mi'kmaq Partnership Agreement signed in 2007 and the Canada/Prince Edward Island/Mi'kmaq Consultation Agreement signed in 2012. The first one was formally acknowledged the traditional Mi'kmaq governments and their important role in building a strong and positive future for members of P.E.I. First Nations. In turn, the second one established a clear and efficient means for Canada and P.E.I. to consult the Mi'kmaq on proposed actions or decisions that may adversely impact asserted or established Aboriginal and treaty rights.

Prior to my appointment to this chamber, I was involved in the negotiation of a rights-based framework agreement between Canada, Prince Edward Island and the Mi'kmaq. This agreement was signed in January and establishes a process to facilitate efficient and timely discussions and reaffirms our shared commitment to reconciling and respecting our Aboriginal and treaty rights.

These agreements represent a very important step towards achieving meaningful reconciliation.

Colleagues, I share these developments to illustrate that despite ongoing challenges and setbacks, the Mi'kmaq of Prince Edward Island have made significant progress in a short time, but the First Nations people of my province do not live in a vacuum. Our brothers and sisters across Canada are also negotiating, discussing and arguing their rights, a seemingly never-ending cycle that began in this country generations ago.

And as was pointed out by the author of Bill C-262, this document is not only important for the Indigenous people of Canada, but for the nearly 400 million Indigenous people living in more than 70 countries on the planet.

The work done by my colleague Senator Sinclair and his words in this chamber regarding the Truth and Reconciliation Commission do not need to be repeated. He has eloquently expressed the need for the parameters of the UN declaration as a vital tool in providing an action plan to achieve the goals of the declaration. I thank him and others who have since spoken in support of the bill for their passionate and powerful speeches.

Honourable senators, this bill does not negate section 35 of the Constitution, as some have suggested; it complements it. It provides a roadmap in ensuring that Indigenous people are part of the decision-making process, as opposed to having unilateral decisions foisted upon them.

The bill asks that all legislation be drafted with compatibility to the declaration. It also asks that current legislation be reviewed for consistency with the declaration.

As I understand it, our role as senators is to review and advise. Does the legislation coming from the other place conform to the Charter of Rights and Freedoms? Does it respect minority rights? Does it recognize the inherent rights of Indigenous peoples? Does it conform to Canada's standards of human rights?

I am new to this chamber and certainly don't have the years of experience and insight of many of my colleagues, but I do have years of experience as a chief, a negotiator and a Mi'kmaq individual who has experienced the frustrations and successes of dealing with provincial and federal levels of government.

I read Bill C-262 and see a useful tool for both governments and Indigenous peoples. Its framework is a guide that will help ensure human rights, reconciliation, cooperation and a way forward for all parties.

Bill C-262 deserves a complete study and comprehensive hearings at committee. As a member of the Aboriginal Peoples Committee, I look forward to hearing from all those with a vested interest and views on the bill. I humbly urge my colleagues to support Bill C-262 and refer it to committee as soon as is appropriate.

The UN Declaration on the Rights of Indigenous Peoples was decades in the making. Incorporating Bill C-262 into Canada's toolbox would be confirmation of our country's genuine desire to reconcile.

As stated in its preamble, the declaration is described as "a standard of achievement to be pursued in a spirit of partnership and respect." Isn't that the goal of any human relationship? Should that not be the basis of our path towards reconciliation? Isn't now the time to make meaningful strides towards justice and healing for Indigenous peoples and for Canada?

Wela'lin. Thank you.

Hon. David M. Wells: Senator Francis, would you take a question?

Senator Francis: Yes.

Senator Wells: Not specifically on UNDRIP or the text in that document, but specifically attaching an international declarative instrument to Canadian law, which is what is being proposed, what would be the case if that declaration was changed? Would that automatically change the responsibilities within Canada without us having a review of that change that happens under the international declaration? How do you see that as an external instrument changing our law in that way?

Senator Francis: Thank you, senator. I'll be honest. I don't have enough experience to go into a lot of detail to answer your question, but I'm hoping that the bill gets to committee. That's where all those kinds of things will be discussed and worked out.

[*Translation*]

ROYAL ASSENT

The Hon. the Acting Speaker informed the Senate that the following communication had been received:

RIDEAU HALL

February 28th, 2019

Mr. Speaker:

I have the honour to inform you that the Right Honourable Julie Payette, Governor General of Canada, signified royal assent by written declaration to the bills listed in the Schedule to this letter on the 28th day of February, 2019, at 4:32 p.m.

Yours sincerely,

Assunta Di Lorenzo
Secretary to the Governor General and Herald Chancellor

The Honourable
The Speaker of the Senate
Ottawa

Bills Assented to Thursday, February 28, 2019:

An Act respecting wrecks, abandoned, dilapidated or hazardous vessels and salvage operations (*Bill C-64, Chapter 1, 2019*)

An Act to amend the Federal Sustainable Development Act (*Bill C-57, Chapter 2, 2019*)

• (1710)

UNITED NATIONS DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES BILL

BILL TO AMEND—SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Sinclair, seconded by the Honourable Senator Pratte, for the second reading of Bill C-262, An Act to ensure that the laws of Canada are in harmony with the United Nations Declaration on the Rights of Indigenous Peoples.

Hon. Julie Miville-Dechêne: Dear colleagues, I rise to speak humbly and briefly in support of Bill C-262, An Act to ensure that the laws of Canada are in harmony with the United Nations Declaration on the Rights of Indigenous Peoples. This bill constitutes what I hope is a real and tangible step in the necessary process of reconciliation.

As the Quebec representative in the Delegation of Canada to UNESCO, I followed this declaration as it made its way through the UN agencies. I saw that many countries were quite strongly opposed to this founding document, which states that Indigenous rights are quite simply human rights. There are not two classes of citizens. This declaration, as my colleague said much more eloquently than I, is not legally binding, but it can serve as a guide for the countries that adopt it. Bill C-262 stipulates that all federal laws must be in harmony with the many principles set out in this declaration, which contains 46 articles. That is a lot, so this is a bold step for Canada. Adopting the UN Declaration on the Rights of Indigenous Peoples is a major step toward the international recognition of colonial violence and the resulting suffering and injustices, the impact of which is still being felt today. It is high time that we changed the relationship between the Canadian government and Indigenous peoples.

I am particularly affected by this issue because Indigenous women are the greatest victims in our society where gender inequality persists. As former chair of the Conseil du statut de la femme, I worked with Quebec Native Women on producing a statistical publication on the serious situation of First Nations women, which was intended for the general public.

The statistics speak volumes. The rate of poverty is twice as high for Indigenous women living off-reserve compared to non-Indigenous women. Indigenous women are three times more likely to be victims of domestic violence than non-Indigenous women.

Over three quarters of Indigenous girls under 18 have been victims of sexual assault. Article 22(2) of the UN Declaration states that "States shall take measures, in conjunction with indigenous peoples, to ensure that indigenous women and children enjoy the full protection and guarantees against all forms of violence and discrimination." This article gives hope that the suffering of Indigenous women will be addressed through more visionary, more comprehensive policies and measures in Canada.

For example, it is unacceptable that several families are crammed into one dwelling because of the lack of housing. This overcrowding causes more problems and exacerbates disputes and episodes of violence. It is also incomprehensible that the Indian Act continues to discriminate on the basis of sex when it comes to passing on Indigenous status to descendants. For example, an Indigenous woman with a non-status spouse cannot pass on her status to her grandchildren, which is not the case for an Indigenous man.

In a recent interview, Michèle Audette, one of the commissioners with the National Inquiry into Missing and Murdered Indigenous Women and Girls, said that Indigenous women have been affected by one or more types of genocide here in Canada. Ms. Audette is not referring to cultural genocide, but actual genocide, which foreshadows what the commission's upcoming report will be about. What does it mean to harmonize federal legislation with the UN Declaration on the Rights of Indigenous peoples?

I can imagine that many jurists will have formed their own opinions, but I have an example right in front of me, namely Bill C-71 on gun control. Michèle Audette came to tell us that this bill should pay close attention to violence against Indigenous women, especially violence with firearms.

According to her, this means that everyone living in the same home as someone applying for a firearms licence should be consulted. This procedure would be more involved than the background checks set out in Bill C-71. We must understand that Indigenous peoples may be claiming their autonomy and their ancestral rights in relation to firearms, but Indigenous women are still being very vocal in demanding better protections.

I want to take this opportunity to urge the Government of Quebec to endorse the UN Declaration on the Rights of Indigenous Peoples. This sends a strong message and represents a step towards reconciliation. British Columbia has already committed to doing so.

In conclusion, Bill C-262 is a clear recognition of the role of Indigenous peoples in our past and our present, and it provides tools to envision a better future. We must send this bill to committee stage. *Meegwetch*. Thank you.

Hon. Senators: Hear, hear!

(On motion of Senator Brazeau, debate adjourned.)

[*English*]

STUDY ON THE POTENTIAL IMPACT OF THE EFFECTS OF CLIMATE CHANGE ON THE AGRICULTURE, AGRI-FOOD AND FORESTRY SECTORS

FOURTEENTH REPORT OF AGRICULTURE AND FORESTRY COMMITTEE AND REQUEST FOR GOVERNMENT RESPONSE ADOPTED

On the Order:

> Resuming debate on the motion of the Honourable Senator Griffin, seconded by the Honourable Senator McCoy:
>
> That the fourteenth report of the Standing Senate Committee on Agriculture and Forestry, entitled *Feast or Famine: Impacts of climate change and carbon pricing on agriculture, agri-food and forestry*, deposited with the Clerk of the Senate on December 11, 2018, be adopted and that, pursuant to rule 12-24(1), the Senate request a complete and detailed response from the government, with the Minister of Agriculture and Agri-Food being identified as minister responsible for responding to the report, in consultation with the Ministers of Environment and Climate Change; Innovation, Science and Economic Development and Natural Resources.

Hon. Diane F. Griffin: Honourable senators, with swift adoption of this report, I want to emphasize its importance. About two weeks ago, *The Western Producer* ran a story on its front page with the headline "Carbon tax estimates uncertain." It detailed the results of an access to information request that was submitted by the newspaper's reporters. That request unearthed three-year-old redacted estimates and a briefing note to the Deputy Minister of Agriculture that appeared to have spelled out the costs of a carbon tax to farmers. It broke down those costs for Eastern and Western Canada, and by producer type.

This is critical information for farmers. As the Canadian Federation of Agriculture Vice President Norm Hall told the reporter, Robin Booker:

> Farmers are making their budgets, and this is going to affect them because it's supposed to start April 1.
>
> It's going to hit us this year, and it's all going to be new costs. We have no idea if it's going to be $300, or $3,000, or $15,000. It would be nice to have an idea.

The documents obtained by *The Western Producer* were heavily redacted, as I mentioned previously. This suggests the government has some answers to farmers' questions. It just won't share them.

This is where we come in. This Chamber asked the government for a response to our reports, and the Agriculture and Forestry Committee's latest report is particularly pertinent. Our committee studied the impacts of climate change on two of our country's most important industries. We made several recommendations relating to research and innovation; building resilience; water management; knowledge sharing and extension services; rewarding resilient practices; biodiversity monitoring — we were very busy — soil organic carbon monitoring; federal-provincial collaboration; clean fuel standards; international commitments; and investment in new technologies to sequester carbon, including constructing tall buildings with wood.

• (1720)

Of particular interest to farmers will be the government's response to our recommendations 7 and 8. The committee recommends that the government "re-examine exemptions permitted for agricultural activities under the Federal Greenhouse Gas Pollution Pricing Act, with special attention to competitiveness for producers and food affordability for Canadians."

We recommend that the government consider exempting the fuel costs for machinery that heats or cools a building used for farming by changing the definition of eligible farming machinery.

We further recommend that the government "exempt propane and natural gas under the definition of a qualifying farm fuel for all farming practices."

Our eighth recommendation was that the government "develop offset protocols that would allow agricultural producers and forest owners/managers in provinces applying the federal carbon pricing backstop to receive additional income through carbon credits."

Honourable senators, I applaud the work that *The Western Producer* is trying to do to get answers for farmers about how carbon pricing will impact them, and I think it's a shame that the government did not provide those documents unredacted. As the story notes, information provided to our committee by the Parliamentary Budget Officer in 2017 examined "the overall emissions from specific types of farms in different farming regions," and thereby calculated estimates based on all emissions. However, farmers need up-to-date information on forecasted impacts of the taxes implemented as a result of the federal Greenhouse Gas Pollution Pricing Act.

Though the government's response to our report may not be as illuminating as an unredacted copy of the deputy minister's briefing note would have been, it may indicate whether the government will entertain certain policy changes that would make Canadian farmers more secure. However, we are running out of time. The government has 150 days to respond to a Senate committee report, and this Parliament rises for the last time in June. If we want to get a government response, we need to act now.

Honourable senators, let's adopt this report and get some answers for the Canadians who need them.

The Hon. the Speaker: Are honourable senators ready for the question?

Some Hon. Senators: Question.

The Hon. the Speaker: It was moved by the Honourable Senator Griffin, seconded by the Honourable Senator McCoy the fourteenth report of the Standing Senate Committee — may I dispense?

Hon. Senators: Dispense.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

(Motion agreed to and report adopted.)

STUDY ON INTERNATIONAL AND NATIONAL HUMAN RIGHTS OBLIGATIONS

SEVENTEENTH REPORT OF HUMAN RIGHTS COMMITTEE AND REQUEST FOR GOVERNMENT RESPONSE ADOPTED

The Senate proceeded to consideration of the seventeenth report (interim) of the Standing Senate Committee on Human Rights, entitled *An Ocean of Misery: The Rohingya Refugee Crisis*, tabled in the Senate on February 21, 2019.

Hon. Wanda Elaine Thomas Bernard moved:

> That the seventeenth report of the Standing Senate Committee on Human Rights, entitled *An Ocean of Misery: The Rohingya Refugee Crisis*, tabled on Thursday, February 21, 2019, be adopted and that, pursuant to rule 12-24(1), the Senate request a complete and detailed response from the government, with the Minister of Foreign Affairs being identified as minister responsible for responding to the report.

The Hon. the Speaker: Senator Bernard, anything on debate?

Senator Bernard: No.

The Hon. the Speaker: Are honourable senators ready for the question?

Hon. Senators: Question.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

(Motion agreed to and report adopted.)

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

THIRTY-THIRD REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the thirty-third report of the Standing Committee on Internal Economy, Budgets and Administration, entitled *Senate Budget for 2019-20*, presented in the Senate on February 26, 2019.

Hon. Sabi Marwah moved the adoption of the report.

He said: Colleagues, the report before you deals with the Senate's budget for 2019-20. The anticipated budget is $114.2 million and it is based on the recommendation of the Subcommittee on the Senate Estimates. This amount represents an increase of 4.7 per cent over the 2018-19 budget.

There are two parts within the budget: one is statutory and the other voted.

The statutory portion deals with monies allocated by legislation. This includes senators' basic and additional allowances and pensions, senators' travel and living expenses, telecommunications, and employee benefit plans. Any shortfalls in these categories at year-end are covered by the Treasury Board. The total amount of the statutory budget is $35.8 million, an increase of 2.5 per cent.

The voted items are for the inner workings of the Senate. They cover senators' office budgets and the Senate Administration. The total financial envelope for the voted portion is $78.4 million, an increase of 5.7 per cent.

As background, the work in determining the Senate's budget rests with the Subcommittee on the Senate Estimates. The members met with each of the Senate Administration's Executive Committee, plus each director. Any funding increases for their departments required detailed documentation and the presentation before the subcommittee to justify any new spending. They were questioned on the need for funds and the impact on staffing.

All directors were also asked to identify any risks to their directorate's operations and to address how any new funding would mitigate the identified risks.

The Senate has greatly changed the way it conducts its business, and that change is ongoing. The majority of the overall new expenditures are related to changes we are making to support the increasing level of activity and to advance other priorities.

As mentioned earlier, the non-statutory budget deals with monies that are voted. This includes budgets for senators and house officers, funding for committee travel, international and interparliamentary affairs, as well as the budget for the administration.

To provide you with some details of the main categories, the funding for the operation of senators has seen an increase of $487,000, or 1.7 per cent. This is fully attributable to the increase to senators' office budgets from $225,000 to $230,000 to accommodate an inflation increase of 2.1 per cent.

For the Senate Administration, both legislative and corporate, there will be an increase of $4.3 million. This includes a Senate-wide increase of $1.4 million to provide for the economic increases of its employees, reclassifications, and personnel expenses such as maternity and parental benefits, severance pay, injury on duty and vacation payouts.

In the legislative sector, the anticipated increase is to create additional support for the operations of the chamber and for committees, including broadcasting services. The operations cost for broadcasting will increase by $0.7 million as a result of the new contract with the House of Commons, and $90,000 for a communication officer to support committee meetings.

The Chamber Operations and Procedures Office will receive an increase of $183,000 to hire one procedural clerk and one legislative clerk for the table research office, as well as an increase of $234,000 for three additional resources to support the mandate of Debates and Publications.

The Committees Directorate will increase by $240,000 for three additional resources: one procedural clerk, one administrative assistant and one logistics officer.

Corporate Security will see an increase by $125,000 for additional personnel and for the emergency notification system licences, as well as a temporary increase of $120,000 to upgrade high-security locks.

The Usher of the Black Rod will increase by $117,000 for additional personnel and to support late-night sitting requirements.

In the corporate sector, a large amount of the anticipated increase is dedicated to the transformation and restructuring of the Human Resources Directorate; a temporary budget of $316,000 to continue the transformation initiative and $497,000 for the delivery of its programs, including the annual processing fees of $173,000 for payroll services.

• (1730)

The Information Services Directorate will receive an increase of $258,000 for the wireless telecommunications contract, compensation for standby/on-call duties and for an additional resource related to cybersecurity.

The Finance and Procurement Directorate will increase by $205,000 for procurement activities.

Finally, the Property and Services Directorate personnel budget will increase by $333,000 to hire additional staff to support its mandate and the Long Term Vision Plan for the Parliamentary Precinct.

In summary, honourable senators, overall the budget is increasing by 4.7 per cent. If we take out $0.7 million for broadcasting, which is a key initiative aligned with our transparency and outreach initiative, and the overall salary adjustment for a three-year retroactive increase which was made in 2019-20, the residual increase is an increase of 3.1 per cent. Thank you.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: Agreed.

Some Hon. Senators: On division.

(Motion agreed to, on division, and report adopted.)

THE SENATE

MOTION TO INSTRUCT SENATE ADMINISTRATION TO REMOVE THE WEBSITE OF THE HONOURABLE LYNN BEYAK FROM ANY SENATE SERVER AND CEASE SUPPORT OF ANY RELATED WEBSITE UNTIL THE PROCESS OF THE SENATE ETHICS OFFICER'S INQUIRY IS DISPOSED OF—MOTION IN AMENDMENT—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Pate, seconded by the Honourable Senator Marwah:
>
> That the Senate administration be instructed to remove the website of the Honourable Senator Beyak from any Senate server and cease to support any website for the senator until the process undertaken by the Senate Ethics Officer following a request to conduct an inquiry under the *Ethics and Conflict of Interest Code for Senators* in relation to the content of Senator Beyak's website and her obligations under the Code is finally disposed of, either by the tabling of the Senate Ethics Officer's preliminary determination letter or inquiry report, by a report of the Standing Committee on Ethics and Conflict of Interest for Senators, or by a decision of the Senate respecting the matter.
>
> And on the motion in amendment of the Honourable Senator Pratte, seconded by the Honourable Senator Coyle:
>
> That the motion be not now adopted, but that it be amended:
>
> 1. by deleting the words "the Senate administration be instructed to remove the website of the Honourable Senator Beyak from any Senate server and cease to support any website for the senator"; and
>
> 2. by adding the following after the word "matter":
>
> ", the Senate administration be instructed:
>
> (*a*) to remove the 103 letters of support dated March 8, 2017, to October 4, 2017, from the website of Senator Beyak (lynnbeyak.sencanada.ca) and any other website housed by a Senate server; and
>
> (*b*) not to provide support, including technical support and the reimbursement of expenses, for any website of the senator that contains or links to any of the said letters of support".

Hon. Ratna Omidvar: I move the adjournment of the debate in the name of Senator McPhedran.

(On motion of Senator Omidvar, for Senator McPhedran, debate adjourned.)

MOTION TO URGE THE GOVERNMENT TO INITIATE CONSULTATIONS WITH VARIOUS GROUPS TO DEVELOP AN ADEQUATELY FUNDED NATIONAL COST-SHARED UNIVERSAL NUTRITION PROGRAM—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Eggleton, P.C., seconded by the Honourable Senator Mercer:
>
> That the Senate urge the government to initiate consultations with the provinces, territories, Indigenous people, and other interested groups to develop an adequately funded national cost-shared universal nutrition program with the goal of ensuring healthy children and youth who, to that end, are educated in issues relating to nutrition and provided with a nutritious meal daily in a program with appropriate safeguards to ensure the independent oversight of food procurement, nutrition standards, and governance.

Hon. Marty Deacon: Honourable senators, this afternoon I'm truly reminded of so many senators doing such important and complex work each and every day.

I rise today to speak to Motion 358 concerning the development of a universal nutrition program for our youth.

As you might recall, it was our former colleague Senator Eggleton who introduced this motion. In light of his retirement, he asked if I could see this through, and I was more than happy to accept, as this is a goal I believe in.

Over the past 15 years, I have worked directly with community partners in ensuring all young learners have a nutritious breakfast in my home community. There are tremendous learnings, and this deep need continues.

For those who were not yet with us in the Senate, I encourage you to go back and read Senator Eggleton's speech from last year, on June 14.

I'm sure even those senators who were here could use a bit of a reminder. Motion 358 states:

> That the Senate urge the government to initiate consultations with the provinces, territories, Indigenous people, and other interested groups to develop an adequately funded national cost-shared universal nutrition program with the goal of ensuring healthy children and youth who, to that end, are educated in issues relating to nutrition and provided with a nutritious meal daily in a program with appropriate safeguards to ensure the independent oversight of food procurement, nutrition standards, and governance.

I have to say that the timing of this motion could not be more appropriate. Just last month, as you know, the federal government unveiled its revamped *Canada's Food Guide*. This guide is unbiased and evidence-based, and it puts the health of Canadians first.

The next and more important step is seeing to it that those recommended foods actually make it onto our plates. This requires cultivating healthy eating habits, and what better place to start than with our young Canadians? This is where a universal youth nutrition program can make such a change, a change that is sorely needed.

In 2015, it was reported that over a quarter of Canadian adults were obese. The following year, we were told that 48,000 deaths in Canada could be attributed to poor nutrition. This outpaces the combined number of deaths that could be attributed to tobacco and alcohol from that same year.

These worrying numbers are compounded when we look at the statistics of our youth. According to a 2016 study done by the Senate Social Affairs Committee, 13 per cent of Canadian children are obese, and a further 20 per cent are overweight. The Childhood Obesity Foundation estimates that if current trends hold, up to 70 per cent of Canadian adults aged 40 and over will be overweight in two decades' time. In addition to burdening individual health, this will have a great burden on our health care system.

It's easy to see how we got to these discouraging statistics. Ideally, all Canadian families would have the time and resources to provide their children with healthy meals throughout the day, but we know that for many that is simply not the case. It's easy for parents who both work and are pressed for time to pack prepackaged lunches for their kids or to let them skip meals entirely. They might give their kids money to purchase food at the cafeteria, where all too often unhealthy options make up most of the menu. It's an unfortunate reality that often the cheapest, most convenient foods are also the unhealthiest.

There is also, of course, a large cohort of Canadian families who simply can't afford to feed their kids the kind of nutritious food they need to grow into healthy adults. Food Banks Canada reports that in March 2018, over just one month, there were 1.1 million visits to their locations nationwide. Children accounted for 35 per cent of these visitors, despite making up only 20 per cent of the Canadian population.

Nor do these stats compare well with our international peers. In 2017, UNICEF reported that Canada ranked thirty-seventh out of 41 countries when it came to juvenile access to nutritious food. It's inconceivable that in a country as rich and prosperous as ours, some children do not have access to sufficient nutrition.

Not having access to nutritious food at such young age can have repercussions that last long into adulthood. A 2015 Harvard study showed that children who receive a healthy breakfast perform better at school than those who do not. We also observed this first-hand locally and across this country. We know that a child's brain is much more vulnerable than an adult's when it comes to missing a meal. At this young age, the brain is changing quickly. Nerve cells are growing, and cell connections are adjusting rapidly in response to their immediate environment. All of this increases the brain's demand for energy. As a result, those children without access to adequate healthy calories have a harder time learning.

When I recall our rigorous debate over legalization of cannabis a year ago, there was a lot of warranted trepidation about how cannabis use could affect cognitive function in our young Canadians. Should we not share these same concerns about the huge cohort of Canadian kids who do not receive adequate nutrition day in and day out? If we are worried about giving Canadian children the best chance to succeed, it's incumbent on all of us to see they are adequately fed with nutritious calories at this critical juncture in their development.

This is where a universal youth nutrition program can make such a difference. A number of international peers have already accepted this fact. Similar programs have been established in countries like Finland, Brazil and the U.K., as well as American cities such as New York and Los Angeles.

Here at home, the impetus for such a program is picking up steam. In 2018, the University of Calgary held a public conference and examined the public health risks of bad eating habits and looked at potential policies that could change and reverse the current trends. In the resulting Calgary statement, participants called for a public approach that would ensure Canadian children have access to nutritious food in places where they learn and play.

We are also seeing solid policy as well. The Alberta government committed $15.5 million to its targeted school nutrition program for elementary students for the 2018-19 school year. What started as a pilot program just two years ago has already demonstrated its usefulness and alleviated some pressures on Albertan families when it comes to preparing meals for their children.

• (1740)

The federal action this motion calls for would encourage other jurisdictions to initiate their own pilot programs. It would likely expand efforts already under way as well, confident they have the backing of their national government. I am very proud of the work led by Nutrition for Learning in my home community. This started with a very small project and now supports all students.

Colleagues, be it as an educator, a coach and now as a senator, I have dedicated my life to promoting a healthy lifestyle. While this entails a number of things, the three most important are always exercise, healthy diet and rest. This is important for adults, but it goes doubly for our youth.

As legislators, we are perfectly placed to — forgive the pun — tip the scales in favour of a healthy future. Health Canada is still rolling out its national healthy eating strategy. Policies are being settled on, and it's clear to me that a national cost-shared universal youth nutrition program would be, could be and should be an integral part of this strategy.

That is why I urge this chamber to move quickly in support of Senator Eggleton's motion. We have to send the message to the federal government that simply showing what a healthy diet looks like does not solve our problem. We need to get that food

onto our plates. We need to learn from other countries and lead now. We need to explore the potential of a universal nutrition program for our young Canadians. Thank you.

Hon. Stan Kutcher: Thank you very much for that. Healthy nutrition is foundational for the growth and development of children and solid efforts need to be directed so that every Canadian child can benefit from this.

This motion, as you present it, sounds like a school-based issue which should be of deep concern to provinces and municipalities. What role should the federal government play in moving this forward?

Senator M. Deacon: Thank you for your question. This motion is not all about money. The federal government could play and needs to play a key leadership role in the establishment of national principles as a condition for cost-shared funding. These national principles would help to provide consistency and opportunity across the country. Some of the things in these national principles could include food quality guidelines, such as adhering to and respecting the new Canada's Food Guide, conflict of interest for standards and for program governance, may include local food purchasing targets and food literacy programs. This could be determined, but the federal piece is the responsibility for pulling and leading our provinces and territories.

The Hon. the Speaker: Senator Ravalia, question or on debate?

Hon. Mohamed-Iqbal Ravalia: A question, please. Senator Deacon, you mentioned that there are a number of countries that have an established nutrition program. Would you be able to give us some examples of these programs and their outcomes?

Senator M. Deacon: Yes, thank you. I would be happy to respond. Thank you for the question. It was significant learning.

Some examples, Brazil has a program that they have had in place since 1954 that currently covers 45 million students. In 2009, Brazil placed an emphasis, which is also a great thing, on their small-scale farming operations by legislating that 30 per cent of the food provided must be locally sourced, which also helped with their work.

The United States, you may very well know, has a National School Lunch Act and a Child Nutrition Act. Both are administered at the federal level by the United States Department of Agriculture and at the state level by state agencies. In the U.S. there are also examples of cities that have gone through and made their own universal program. For example, New York City in 2017 began offering free lunches to all of its 1.1 million students.

In the United Kingdom, the national government pays 2.30 pounds for each eligible meal served as part of their Universal Infant Free School Meals program for students aged two to seven, giving them a great start. Equally notable, just recently the U.K. implemented a strategy of directing revenue from sugar-sweetened soft drinks as a levy to help fund school food programs.

Finland is probably the most noted. They have something called a Basic Education Act. It sees to it that students attending school must be provided with a properly organized and supervised meal. This country, Finland, has been doing this in that mode since 1943.

(On motion of Senator Martin, debate adjourned.)

[*Translation*]

SEASONAL WORKERS IN NEW BRUNSWICK

ONGOING CHALLENGES—INQUIRY—DEBATE CONTINUED

On the Order:

> Resuming debate on the inquiry of the Honourable Senator Poirier, calling the attention of the Senate to the ongoing challenges faced by seasonal workers in New Brunswick.

Hon. René Cormier: Honourable senators, I rise today to continue the debate on Senator Rose-May Poirier's inquiry, which so powerfully brought to light the realities facing seasonal workers in the New Brunswick fishery.

I am addressing this important issue because it affects not only daily life in my region and in the fisheries, but also the daily reality of many regions in this country and other economic sectors, including tourism, arts and culture, the restaurant industry and many others.

According to Statistics Canada, 3 per cent of jobs in Canada are seasonal, but in Atlantic Canada that number is much higher, namely 5 per cent in Nova Scotia, nearly 6 per cent in New Brunswick and nearly 10 per cent in Prince Edward Island and Newfoundland and Labrador. In my region, northern New Brunswick's Acadian Peninsula, seasonal jobs can account for up to 15 per cent of all the jobs in the region.

This type of work is very significant in Canada, not just because of the number of jobs created across the country but also because of the important contribution it makes to our national and regional economies.

[*English*]

Despite this fact, seasonal workers are plagued with structural and systemic issues. The question of seasonal work emerges year after year as a crisis needing our immediate attention. However, regardless of government efforts, few pilot projects and initiatives seem to work or tackle the full complexity of the issue at hand.

I myself do not claim to have all the answers, colleagues. I speak today with the singular hope that more Canadians and parliamentarians take notice of this growing problem and make it a priority to find real solutions with the people who are most affected by these issues.

[*Translation*]

Today I'm going to focus on the alarming state of seasonal work. I'll cover some of the innovative solutions to the issue that we've seen in recent years, and I'll end by going over some of the options we as legislators have to take action on this important issue.

What is so-called seasonal work? According to Statistics Canada, a seasonal job is a non-permanent paid job that will end at a specified time or in the near future, once the seasonal peak has passed. Fishing is a well-known example of seasonal work: fisheries open on a given day and close on a given day, depending on the type of fish. Seasonal work is a reality in other economic sectors too, especially tourism and culture.

The actors and artisans who work at Pays de la Sagouine in Bouctouche, the interpreters who bring the Village historique acadien in Caraquet to life, and the term employees who work in national parks across the country all find themselves out of a job when tourist season is over. The temporary, intermittent nature of these activities makes it impossible to find full-time, year-round work in these sectors.

Canadians have a general understanding of this reality, but they don't tend to understand the day-to-day reality of the women and men who work in these industries. What are the real working conditions of seasonal workers? What impact do our public policies have on their socio-economic situation? Most importantly, what can we do to ensure that these workers live with dignity without feeling that they are living off the government, as is often our society's view of them?

• (1750)

Honourable colleagues, it is difficult to find hard evidence to answer these questions because Statistics Canada has not done in-depth studies of seasonal work since 2007. However, the issues associated with this type of work just keep growing.

I will focus on two of the main challenges that will help us understand the systemic nature of the problems related to this type of employment: the infamous black hole and the chronic lack of workers.

Systematically, year after year, in many parts of the country, seasonal workers face what is commonly known as the black hole. This is the period of time between the end of EI benefits and the start of the new work season. As Senator Poirier aptly stated, the duration of the black hole varies from year to year depending on the unemployment rate.

As the unemployment rate goes down, the number of hours required to be eligible for employment insurance goes up, and, perversely, the benefit period becomes shorter. Senators will understand that this makes it more difficult to access employment insurance.

This is a problem in Atlantic Canada and in many rural regions across the country in particular, where unemployment rates are going down, but for reasons that could be considered artificial. For example, the unemployment rate is dropping rapidly in New Brunswick, but this is mainly because the population is aging rapidly and a larger number of workers are reaching retirement age.

My home province has lost more than 11,000 workers since 2013 because many residents have retired or left the province to find a job elsewhere. Dear colleagues, within 15 years, there will be 40,000 fewer workers on the job market in New Brunswick.

[*English*]

The systemic problem that seasonal workers face is fundamentally because our public policies are not adapted to the realities of seasonal work and the regions that depend on these industries.

As a sociologist and welfare expert from Dalhousie University, Karen Foster wrote in a 2017 article that:

> Employment Insurance is not a program designed to cater to seasonal workers. By default, it has become that program, but as we saw with the issue of the black hole, structurally it does a poor job at helping seasonal workers transition from one season to another.

[*Translation*]

This black hole is a reality that ultimately has a serious impact on Canada's entire job market. When seasonal workers experience financial uncertainty year after year because there are no programs tailored to their types of jobs, they become discouraged from building a career in these industries. What is worse, more people are leaving their regions because of this situation, which makes the skills shortage in certain sectors even worse.

[*English*]

If we traditionally think of seasonal work as only affecting our fisheries and agriculture sectors, we must remember that the tourism industry, one of the fastest-growing industries in Canada and the world, relies heavily on seasonal and contract work.

In a 2016 report, Tourism HR Canada estimated that in 2020, there would be over 130,000 unfilled jobs in the tourism sector across Canada. This gap between job postings and available workers would grow to over 240,000 jobs in 2035.

This reality is not unique to this industry. Many other seasonal sectors are having difficulties finding and keeping their employees. This is partially due to the lack of programs that support seasonal workers.

[*Translation*]

This widening gap between the workforce available and the number of jobs available clearly shows the ineffectiveness of the public policies that support the workers in these industries. What, then, can we do? What solutions can we propose to deal with this unfortunate situation?

Professor Karen Foster proposed a solution that goes well beyond simply reviewing the employment insurance program. She said, and I quote:

[*English*]

> As a sociologist who studies work, unemployment, productivity and, most recently, rural economies, I have come to believe that a basic income is the most promising solution to cyclical and structural unemployment, and especially the seasonal employment that sustains the Atlantic provinces, where I live and work.
>
> There are many reasons, but three stand out.
>
> First, a basic income lacks the moral baggage of EI or social assistance. It's a moral project, certainly, because it rests on the belief that everyone deserves to live with dignity and security.
>
> Second, a basic income dispenses with the increasingly naïve idea that we can employ everybody all the time.
>
> Third, a basic income could do all this without a gigantic bureaucratic structure full of people whose job it is to make sure other people are being honest about their job searches. It could replace much of our current patchwork of regular government transfers, each with their own piles of paperwork, in a single payment.
>
> There could still be top-ups for people with disabilities and parents of young children, and EI would have to remain for people who lose their jobs. But EI as a Band-Aid solution for the wounds left by seasonal industries could disappear entirely.

[*Translation*]

Dear colleagues, this proposal is nothing new to Canadians. Previous governments looked into the possibility of implementing such programs. Take, for example, the MINCOME project, which was carried out in Manitoba in the 1970s. Under that program, the federal and provincial governments provided a certain percentage of the population with a basic annual income. The Government of Ontario also explored this concept more recently. Unfortunately, both of those projects were cancelled before they were completed so there is no data available for legislators.

That being said, Canada has some fortuitous experience of sorts with basic income, which shows how beneficial this type of program can be. I am talking about Old Age Security and its companion programs. The OAS gives all Canadians aged 65 and older the ability to organize their lives knowing that they will receive a guaranteed fixed income every month. That changes the lives of many Canadians overnight, since, once they turn 65, they no longer have to deal with the uncertainty of a variable income. Imagine the impact that such a program could have on the lives of Canadians who have to make difficult decisions every year just because their industry is unable to offer them year-round employment.

Honourable colleagues, no matter what we call it — universal income, guaranteed minimum income, basic income — it seems that this idea has the distinction of tackling a number of major issues affecting Canada's labour force head on. At the very least we have to very seriously consider this proposal as a structural solution — which I cannot do in this speech — that seems to offer tangible answers to many of the problems related to seasonal work.

Another solution put forward by several groups of seasonal workers would put an end to the challenge of the unpredictable nature of the black hole by creating protected areas.

[*English*]

These zones could be created in specific regions where there is a high concentration of seasonal workers, a new category to qualify for employment insurance. This new category could be exempt from the equations linked to the fluctuating unemployment rate, meaning that the criteria to qualify for EI and the length of the EI period would both be fixed.

This means, unlike as is currently the case, a worker could plan years in advance how to distribute his revenue from his seasonal work and his EI payments, similarly to what is proposed by those in favour of a minimal guaranteed income, and would have the benefit of allowing workers to plan their time.

[*Translation*]

In closing, honourable colleagues, the central issue for people who work in seasonal industries consists in the precarious nature of the industry and the uncertainty of their income. In that sense, any solution that would make it easier for these workers to plan their budget deserves our full attention as legislators.

Are the solutions I presented today the right ones? Are there others? What are the real solutions to this systemic problem? I'm not sure, but I do know that we must urgently and seriously address the problems facing our constituents who work in seasonal industries.

• (1800)

[*English*]

Colleagues, the labour market and the work world has greatly changed over the last few years. Unfortunately, our public policies are not adapted to these new realities. There is an urgent need for us to create a committee or to mandate a committee to study the question of atypical work in Canada and to face the complexity of these issues head on.

[*Translation*]

We have colleagues in this chamber who are engaged in these issues, people like Senator Bellemare and Senator Ringuette, who have proposed a number of initiatives involving full employment or the creation of a standing committee on human resources so that we may work together and explore these issues pertaining to workers and their working conditions as soon as possible.

The Hon. the Speaker: Honourable senators, it is now six o'clock.

[*English*]

Honourable senators, rule 3-3(1) requires that I leave the chair until eight o'clock unless we agree not to see the clock.

Is it agreed that we not see the clock?

Hon. Senators: Agreed.

[*Translation*]

Senator Cormier: In closing, I believe we should pass Senator Ringuette's motion immediately to create a human resources committee so that we may conduct a thorough examination of labour market outcomes here in this place, in the Senate of Canada.

Thank you.

(On motion of Senator Moncion, for Senator Hartling, debate adjourned.)

[*English*]

THE SENATE

MOTION TO URGE THE GOVERNMENT TO BRING INTO FORCE THE REMAINING PROVISIONS OF BILL S-3 ADOPTED

Hon. Lillian Eva Dyck, pursuant to notice of February 19, 2019, moved:

> That the Senate, in light of the decision made by the United Nations Human Rights Committee of January 11, 2019, which ruled that ongoing sex-based hierarchies in the registration provisions of the *Indian Act* violate Canada's international human rights obligations, urge the federal government to bring into force the remaining provisions of Bill S-3, *An Act to amend the Indian Act in response to the Superior Court of Quebec decision in Descheneaux c. Canada (Procureur général)*, which would remedy the discrimination, no later than June 21, 2019.

She said: Honourable senators, I rise today to speak to the motion standing in my name. This motion was endorsed unanimously by the Standing Senate Committee on Aboriginal Peoples on Tuesday, February 19, 2019. This motion essentially urges the government to fully implement all the provisions of Bill S-3 no later than June 21, 2019. By so doing, all the discrimination against Indian women who married non-Indian men will be removed from the Indian Act. Really, this motion is a continuation of the pivotal role that the Standing Senate Committee on Aboriginal Peoples and the Senate played in driving the government to include provisions in Bill S-3 which will accomplish the end of the sex-based discrimination against Indian women and their descendants with regard to Indian status.

On January 11, 2019, the United Nations Human Rights Committee released their ruling in response to a petition brought by Sharon McIvor and Jacob Grismer on the issue of sex-based discrimination in the registry provisions of the Indian Act, specifically the discrimination faced by descendants who traced their First Nation ancestry through the matrilineal line.

As I noted in my senator's statement on Wednesday last week, this ruling specifically looks at the hierarchy that exists in section 6(1) of the Indian Act. In the determination of the committee, this existing hierarchy constitutes continued discrimination and is in contravention of Canada's international obligations under articles 3 and 26, read in conjunction with article 27 of the International Covenant on Civil and Political Rights. In its ruling, the committee provided for a 180-day deadline for Canada to respond and provide remedy to the petitioners.

Honourable senators, a remedy already exists in law, however, it is yet to be brought into force. Senators will remember Bill S-3 and the contributions of this chamber to make significant progress to finally eliminating sex-based discrimination in the registry provisions in the Indian Act. Section 2.1, added to the bill by an amendment from Senator Harder, not only removes the 1951 cut-off, it also eliminates the hierarchy under section 6(1) of the Indian Act.

In my speech on Senator Harder's motion, I stated:

> As I said, and I'll repeat myself, the Senate can continue to play an active role and act as a watchdog on government implementation of this new amendment.

Senators, that is exactly what has prompted this motion before you. With this new decision from the UN committee, we should continue to play that watchdog role on the government's implementation of this amendment, as it addresses both the discrimination of the 1951 cut-off and the hierarchy issues addressed in the new UN decision.

Senators, I want to explain why June 21, 2019, was chosen as the deadline for the government to fully implement Bill S-3 and bring into the force the provisions to eliminate all sex-based discrimination in the Indian registry. Colleagues, you will recall Senator Patterson's speech in November 2017 on Senator Harder's amendment to the message from the House of Commons on Bill S-3, where he clearly outlined the parliamentary realities related to the coming-into-force dates of bills such as Bill S-3.

While the UN committee has a 180-day deadline, which would bring us into July, the motion is also styled to address the current parliamentary realities. The House of Commons calendar currently lists the last day of their sitting as June 21, 2019. There is enough time between then and now for the normal process of government to bring an order-in-council coming-into-force

section of law into force. For instance, cabinet needs to approve the coming-into-force date of June 21, 2019, and the necessary budgetary resources need to be in place. The government is currently consulting and developing a plan on how they will fully implement Bill S-3. This consultation process concludes at the end of March 2019, and by June 12, 2019, the government has to table the report on the results of the consultation and the plan for fully implementing Bill S-3. Thus, the June 21 date in today's motion accommodates all the steps that the government needs to take to fully implement Bill S-3.

We should also keep in mind that no matter what the report recommends, the UN Human Rights Committee has ordered Canada to remedy the discrimination within 180 days.

Colleagues, some parliamentarians may consider this motion unnecessary; after all, the UN has ordered Canada to comply. But despite numerous provincial court cases and even in some cases Supreme Court rulings on Indigenous issues, Canada does not necessarily act in a timely manner. Some groups are worried that the UN ruling will be set aside and the appropriate provisions of Bill S-3 will not come into force any time soon. Thus, this motion is important to hold Canada to account and undertake action by June 21.

• (1810)

Colleagues, over the last few weeks, since the historic January UN ruling on sex-based discrimination in the Indian registry, several women's groups have been urging Canada to comply immediately with the ruling. The lawyers representing the plaintiffs have contacted me and the Aboriginal Peoples Committee, urging us to ensure that Canada complies as soon as possible. As I noted earlier, in response, our committee endorsed today's motion. In addition, the Union of British Columbia Indian Chiefs and the Quebec Native Women's Association are calling on Canada to stop their consultation process and implement the UN ruling right now.

I mention all of this to indicate that there is some urgency to today's motion, and that is why a number of senators were prepared to speak to it last Thursday evening. However, Senator Woo, adjourned the Senate early before the motion was called, and I was deeply disappointed. I was deeply disappointed by the political tactics on both sides. We were expecting to debate the motion this week on Tuesday, but the opposition senators introduced numerous motions, paired with one-hour bells until midnight, that prevented the Senate from conducting any business. Some of us were ready to speak on both of those days and we were expecting to call the question. It seems the importance and urgency of this motion was not known and was ignored.

Colleagues, as one of the thousands of families affected by the UN ruling, I recognize its profound implications. And as a female Cree senator, member of the Gordon First Nation in Saskatchewan, I feel a tremendous responsibility and a personal sense of urgency to eliminate as soon as possible the discrimination against women with regard to the status in the Indian registry.

Let me try to explain to you briefly why status is so important. Status as a registered Indian is about maintaining our identity as Indians, First Nations. With status, there are health and other benefits, the right to live on the reserve and be part of your family, your community and your culture. For example, when my mother, Eva McNab, married my dad, Yok Leen Quan, her status as an Indian was automatically revoked. My brother and I were not eligible for status until 1985, when Bill C-31 was passed by Parliament. For my mother, my brother and me, loss of status meant family ties were severed. We grew up isolated from our relatives. We did not have the option of living on Gordon's. Our cultural knowledge was diminished. We grew up alienated from Cree culture and spirituality. We do not know our own language. We suffered with a loss of identity, which, combined with the racism in White communities, further harmed our self-identity.

That's why this UN ruling is so important and so historic.

I would also like to point out to the newer ISG senators that it took us "older" senators a year of hard work and creative strategizing by the Aboriginal Peoples Committee to force the government to incorporate the provisions in Bill S-3 that, when brought into force by Order in Council, will end the discrimination against women and their descendants whose status was revoked because they married non-Indian men.

Colleagues, as said before, last Thursday and Tuesday this week, I was deeply disappointed that before this motion was called it was prevented from being spoken to by political manoeuvring. It's deeply disappointing not to have the chance to speak to the motion, because of its importance and urgency. Some of you may think that waiting a few days is of no consequence, but when stakeholders are counting on us, the Aboriginal Peoples Committee, in particular, and when they are urging us to act immediately, waiting a few more days does make a difference. The hundreds of thousands of people affected by the UN ruling want to be assured that Canada will honour its commitment to the international covenant on civil and political rights and implement the UN ruling.

Colleagues, on Tuesday, February 19, Elder Claudette Commanda conducted a sacred ceremony here in this beautiful new Senate Chamber. She called in our ancestor spirits to help guide and support our work as senators. I could sense my parents. Today, I feel the need to speak for my mother and the thousands of Indian women who, like her, were stripped of their identity as status Indians simply because they married a non-status man. The ruling will allow about 250,000 people to regain their Indian status if they choose to do so. In my opinion, calling an early adjournment of the Senate last Thursday and tying up Senate business on Tuesday this week was disrespectful to them and to the senators who were prepared to speak to this motion. This motion to urge the government to end the sex-based discrimination in the Indian registry is hugely important. We ought to have debated it last Tuesday. We were so close to it. We could have been done by 8:00 p.m., but that did not happen.

Colleagues, it's 2019. One hundred and fifty years ago, legislation was enacted to cause Indian women to be denied their rightful status as citizens of their nations if they married non-Indian men. Despite numerous complaints and court rulings, the Crown has not acted in good faith. That is why it is critically important for the Senate to continue to push Canada to comply with this historic UN ruling and pass this motion to urge Canada to bring into force by June 21, 2019, the provisions in Bill S-3 that will eliminate the 1951 cut-off and eliminate the section 6(1) hierarchy of categories of status.

Today's motion is consistent with the Senate's critically important continued role in pushing this government to fully eliminate sex-based discrimination in the Indian Act and its key leadership role on Bill S-3. Our actions in the Standing Senate Committee on Aboriginal Peoples and in the Senate Chamber resulted in this government finally adding the delayed provision that will eliminate all sex-based discrimination in Bill S-3. The push on Bill S-3 was nonpartisan and received support from all groups in this chamber. I trust the Senate will once again show that kind of leadership and adopt this motion unanimously.

Colleagues, we are at a historic moment in this new Senate Chamber. Bill S-3, once fully implemented, will eliminate discrimination against Indian women and their descendants who were denied Indian status simply because of marriage to non-status men.

I ask for your support, as was done in our previous deliberations on Bill S-3, to pass this motion unanimously in this new Senate Chamber.

I am aware that Senator Patterson may like to make some remarks today, but I urge all senators to call the question on this motion today. Let it be the first unanimous motion that continues the excellent nonpartisan work that the Aboriginal Peoples Committee spearheaded and which was supported by the Senate Chamber as a whole. Thank you.

Hon. Dennis Glen Patterson: Honourable senators, I rise today to support the motion put forward by our colleague Senator Dyck.

Senator Dyck has given us some background and her personal story, which she shared and we thank her.

However, if I may, for the benefit of those senators who were not members of the chamber at that time, I would also like to share my views on the history of the bill so that senators may understand the importance of bringing into force these provisions of Bill S-3. I also believe it is important for our colleagues to have this history so there can be a deeper understanding of the collective struggle undertaken by members of the committee to get these provisions included in the bill in the first place. I want to emphasize, as Senator Dyck has said, that the committee worked together in a fully collaborative and nonpartisan manner, to its credit.

Bill S-3 was entitled: An act to amend the Indian Act (elimination of sex-based inequities in registration).

On November 17, 2016, I stood before this chamber at second reading of this bill. As critic, I described the bill as it had been described to me at a Senate briefing. I believed then this bill would eliminate the residual gender-based inequities enshrined in the Indian Act that pertained to registration in response to a Quebec court decision in the case of *Descheneaux*.

• (1820)

But when the bill was referred to the Standing Senate Committee on Aboriginal Peoples, it became immediately apparent that this was not a simple case of eliminating gender-based discrimination once and for all, as the short title of the bill promised. Indeed, witnesses told our committee that there were several circumstances identified under which discrimination would persist.

Under the experienced leadership of Senator Dyck, our committee was able to effectively examine the deficiencies of this bill and bring to light issues surrounding consultation and scope that would have left many First Nation women and their descendants without a means to claim their rightful status.

Prior to this bill, colleagues, I must confess that I was not aware of the immense complexity of so-called Indian registration. In Nunavut, to qualify for beneficiary status, a child must have only one parent of either sex who is a beneficiary. In fact, that is why I have three biological children who are all Inuit beneficiaries.

This convenient method of passing on status is not mirrored in the Indian Act. Instead, amendments and tinkering throughout the years have created a complex labyrinth of different status designations that could potentially affect a mother's ability to pass on her status to her children or grandchildren.

Through the study of this bill, I have come to understand that diminishing the rights of Indigenous women in particular was one of the invidious but unstated objects of the Indian Act over the years. Our committee's combined knowledge, experience and expertise enabled us to exercise every mechanism that parliamentary procedure afforded to us to bring about amendments that sought to give equal status to all beneficiaries, regardless of matrilineal or patrilineal heritage. Those mechanisms included a rarely employed majority vote to report against the bill. This resulted in the responsible minister offering to seek an extension to the court-imposed deadline of passing measures to address the issues outlined in *Descheneaux*, an approach the department had resisted when that proposal was suggested to the government in committee.

The bill was then examined in committee a second time.

During that second round of consideration, a key amendment was proposed and adopted. It sought to remedy historic injustices that had afflicted Indigenous women who lost their status due to marrying non-Indian men pre-1951, while also truly eliminating gender-based discrimination in registration. I am grateful and honoured to have had a part in that committee's leadership.

These progressive and historic amendments were removed during consideration of the bill in the other place.

In fact, ironically, the message that gutted the Senate's amendments was finalized in the Commons on International Women's Day.

I want to also acknowledge here in this narrative the assistance of the Government Representative in the Senate, Senator Harder, in conveying to the government the firm resolve of the committee, and indeed the chamber, to not settle for partial measures in ending the long and sad history of gender discrimination under the Indian Act.

I thank you for that, Senator Harder.

United as a committee, and ultimately as a chamber, after receiving the message which gutted our amendments, we insisted on amendments that removed the so-called 1951 cut-off. It proposed the government work collaboratively with First Nations to discuss the issues of status and citizenship in order to fully remove the cut-off. However — and I guess this was a compromise we accepted not without difficulty and not without some anguish amongst some senators — this process was left with an open-ended date of completion.

During consideration of the amended message, I noted my concern related to the less-than-firm numbers provided to us in an impact assessment of passing what was referred to as the 6(1)(a) all the way approach in the so-called *Clatworthy* report. I appreciate that there was little time, from when the second court extension was granted to when the amended message was received, to generate an accurate report; having had to pass the provision without being sure of the potential impacts was difficult for me.

Indeed, Justice Chantal Masse, who presided over the *Descheneaux* case, said in her decision that:

> It also goes without saying that the issue of the costs that more inclusive provisions would incur is one element among many that Parliament may consider.

And she is right. I believe that any responsible government at any level should know what the potential impacts of their policies would be ethically, socially, and financially. The public deserves to know the costs and the implementation plan before this bill is fully proclaimed.

That said, human rights cannot be legislated based on costs alone. That is why I continue to be supportive of the provisions this motion seeks to bring into force. I promised then to give this process the proper scrutiny it required during the five and 12-month status reports from the government, and I did.

The issues of no set timeline to end the consultation period and a lack of accurate cost projections on the impact of this bill are two instances where we must continue to hold the government to account.

Honourable senators, I believe it is our duty as legislators to seize this opportunity to eliminate the persistent inequity between descendants of the matrilineal and patrilineal lines. I want to acknowledge that one our colleagues, Senator Lovelace Nicholas was an early champion of this fight.

Many women and their descendants have waited for decades for their rights to be re-established. Some of their descendants have waited their whole lives to have their rights acknowledged.

With the recent UN Human Rights Committee ruling, which affirmed the claim that Canada's Indian Act continues to violate international human rights obligations, we have an opportunity to once and for all right these historical wrongs and bring closure to these women and their descendants by passing this motion and calling on the government to honour its promise to us made 15 months ago.

Honourable senators, the exclusion of women and their descendants from their rightful status and entitlements, I believe, has been a factor in many social ills, including the disproportionately high number of Indigenous women and girls who have suffered from homelessness, poverty, unemployment, health issues and who have tragically in too many cases gone missing or been murdered.

We stand at the brink of a significant paradigm shift that seeks to move away from decades of previous policies of legislated limitations on the status of Indian women and toward policies that foster reconciliation and inclusion.

That is why with confidence I urge my honourable colleagues to unanimously support this motion. Thank you.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

(Motion agreed to.)

[*Translation*]

OFFICIAL LANGUAGES

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO DEPOSIT REPORT ON STUDY OF CANADIANS' VIEWS ABOUT MODERNIZING THE OFFICIAL LANGUAGES ACT WITH CLERK DURING ADJOURNMENT OF THE SENATE WITHDRAWN

On Motion No. 434 by the Honourable René Cormier:

> That the Standing Senate Committee on Official Languages be permitted, notwithstanding usual practices, to deposit with the Clerk of the Senate, no later than March 1, 2019, an interim report on modernizing the Official Languages Act: the views of stakeholders who have witnessed the evolution of the Act, if the Senate is not then sitting, and that the report be deemed to have been tabled in the Senate.

Hon. René Cormier: Honourable senators, I ask that Notice of Motion No. 434 be withdrawn.

(Notice of motion withdrawn.)

[*English*]

LEGAL AND CONSTITUTIONAL AFFAIRS

MOTION TO AUTHORIZE COMMITTEE TO EXAMINE CERTAIN EVENTS RELATING TO THE FORMER MINISTER OF JUSTICE AND ATTORNEY GENERAL OF CANADA AND TO CALL WITNESSES—DEBATE ADJOURNED

Hon. Larry W. Smith (Leader of the Opposition): , pursuant to notice of February 19, 2019, moved:

> That the Standing Senate Committee on Legal and Constitutional Affairs be authorized to examine and report on the serious and disturbing allegations that persons in the Office of the Prime Minister attempted to exert pressure on the former Minister of Justice and Attorney General of Canada, the Honourable Jody Wilson-Raybould, P.C., M.P., and to interfere with her independence, thereby potentially undermining the integrity of the administration of justice;
>
> That, as part of this study, and without limiting the committee's right to invite other witnesses as it may decide, the committee invite:
>
> The Right Honourable Justin Trudeau, P.C., M.P., Prime Minister of Canada;
>
> The Honourable Jody Wilson-Raybould, P.C., M.P.;
>
> The Honourable David Lametti, P.C., M.P., Minister of Justice and Attorney General of Canada;
>
> Michael Wernick, Clerk of the Privy Council;
>
> Kathleen Roussel, Director of Public Prosecutions;
>
> Katie Telford, Chief of Staff to the Prime Minister;
>
> Gerald Butts, former Principal Secretary to the Prime Minister;
>
> Mathieu Bouchard, Senior Advisor to the Prime Minister;
>
> Elder Marques, Senior Advisor to the Prime Minister; and
>
> Jessica Prince, former Chief of Staff to the Minister of Veterans Affairs;
>
> That the committee submit its final report no later than June 1, 2019; and
>
> That the committee retain all powers necessary to publicize its findings until 180 days after tabling the final report.

He said: Honourable senators, I rise today to speak in support of the motion that the Standing Senate Committee on Legal and Constitutional Affairs be authorized to examine and report on the allegations that persons in the Office of the Prime Minister attempted to exert pressure on the former Minister of Justice and Attorney General of Canada.

• (1830)

[*Translation*]

Honourable colleagues, allow me to reiterate why I believe it is essential that this whole matter be studied by our Standing Senate Committee on Legal and Constitutional Affairs.

[*English*]

On February 7, the *Globe and Mail* brought to light that officials in the Prime Minister's Office allegedly put pressure on Ms. Wilson-Raybould to reach a negotiated settlement with SNC-Lavalin on bribery and fraud charges the company faces in order to avoid going to trial.

Two weeks ago, Ms. Wilson-Raybould resigned from cabinet and Prime Minister Justin Trudeau's principal secretary Gerald Butts resigned shortly thereafter.

Last Tuesday, Ms. Wilson-Raybould, accompanied by her former Chief of Staff Jessica Prince, outlined her concerns about the handling of the SNC-Lavalin prosecution privately to her former colleagues within the confidentiality of cabinet. Here, Ms. Wilson-Raybould was able to disclose the information freed from the bounds of solicitor-client privilege that had restricted her public statements.

According to the *Globe and Mail*, sources say that former Attorney General Jody Wilson-Raybould told federal cabinet ministers she believed it was improper for officials in the Prime Minister's Office to press her to help the SNC-Lavalin group out of its legal difficulties. A source, with knowledge of cabinet discussions, said that Ms. Wilson-Raybould stated that the Director of Public Prosecutions rejected a negotiated settlement with SNC-Lavalin based on the provisions in the law as they apply to the company's case.

Then, last Wednesday, she rose in the House of Commons and said she hoped to have solicitor-client privilege waived so she could "speak my truth."

Yesterday, we heard some of the shocking details from the Honourable Jody Wilson-Raybould of what she was permitted to share. We heard that she said:

> . . . I experienced a consistent and sustained effort by many people within the government to seek to politically interfere in the exercise of prosecutorial discretion . . . .

As we know, the Liberal government amended the Criminal Code to allow for deferred prosecutions in which a company admits wrongdoing and pays a fine but avoids a trial. This provision was buried deep in the Liberal's budget bill.

However, the way in which the legal provisions were worded ensured that prosecutors are not allowed to consider national economic interests when deciding on whether to settle with a

company. We know that this Liberal government has not been adept at looking at the details of policy or legislation. This is a government that is about public relations.

Just two weeks after the Director of Public Prosecutions decided to move toward trial, the date is September 4, the Director of Public Prosecutions sent a letter to SNC-Lavalin — that's a key date — outlining its desire to move towards a trial.

The Prime Minister, along with the Clerk of the Privy Council, Michael Wernick, met with Jody Wilson-Raybould on September 17, the second key date.

On September 4, the prosecutor sends a message saying they are going to take action.

On September 17, the second date, a meeting with the Prime Minister and the Clerk. It was at this meeting that the Prime Minister cited the potential loss of jobs and SNC-Lavalin moving. The supposedly nonpartisan Clerk of the Privy Council said at that meeting:

> . . . there is a board meeting [of SNC-Lavalin] on Thursday, September 20th, with stockholders.
>
> They will likely be moving to London if this happens and there is an election in Quebec soon.

According to her testimony yesterday, at this point the Prime Minister jumped in, stressing that there is an election in Quebec and that, "I am an MP in Quebec, the member for Papineau."

Jody Wilson-Raybould said she was quite taken aback and remembers this vividly. She asked the Prime Minister a direct question while looking him in the eye.

> . . . Are you politically interfering with my role, my decision as the Attorney-General? I would strongly advise against it.
>
> The Prime Minister said, "No, no, no, we just need to find a solution."

Last Wednesday during Question Period, Mr. Trudeau said that anything he did was in the service of sustaining jobs in Canada.

> I have been unequivocal over the fall, I have been unequivocal now that we will always support Canadian jobs and growth of our economy. We will always stand up to protect workers right across the country . . . But we will always do that in ways that respect the independence our judiciary, the rule of law and the institutions that keep Canada one of the greatest democracies in the world.

Once prosecutors decided in early September to move to trial — a key date, September 4 — Ms. Wilson-Raybould told cabinet she felt it was wrong for anyone, including the Prime Minister, members of his staff or other government officials to raise the issue with her. Apparently, Ms. Wilson-Raybould would not budge from her position at the cabinet meeting.

The day after the Prime Minister's meeting with Ms. Wilson-Raybould — September 17 — SNC-Lavalin representatives met with Finance Minister Bill Morneau and Chief of Staff Ben Chin. They also met separately with Michael Wernick, the Clerk of the Privy Council.

It was on October 26, 2018, that Ms. Wilson-Raybould's Chief of Staff Jessica Prince spoke to Mathieu Bouchard and communicated to him:

> . . . given that SNC has now filed in federal court seeking to review the DPP's decision, surely we had moved passed the idea of the Attorney General intervening, or getting an opinion on the same question. Mathieu replied that he was still interested in an external legal opinion idea. "Could she not get an external legal opinion on whether the DPP had exercised their discretion properly?" Then, on the application itself, the Attorney General could intervene, "seek to stay the proceedings, given that she was awaiting a legal opinion.

If, six months from the election, SNC-Lavalin announces they are moving their headquarters out of Canada, this is bad. We can have the best policy in the world, but we need to be re-elected.

Then, on November 22, 2018, at the request of the PMO, Ms. Wilson-Raybould met Mathieu Bouchard and Elder Marques to discuss this matter. The meeting went on for one and a half hours and Ms. Wilson-Raybould said of the meeting:

> I was irritated by having to have the meeting as I had already told the Prime Minister, etc. that a DPA on SNC was not going to happen and that I was not going to issue a directive.
>
> I said no. My mind had been made up and they needed to stop. This was enough.

In her view, the communications and efforts to change her mind on this matter should have stopped, but they did not. Various officials urged her to take partisan political considerations into account. She said:

> [It] was clearly improper for me to do so. We either have a system that is based on the rule of law, the independence of prosecutorial function and respect for those charged to use their discretion and powers in a particular way or we do not. . . .
>
> . . . to continue and even intensify such efforts raises serious red flags in my view. Yet, this is what continued to happen.

The Prime Minister's former secretary, Mr. Gerald Butts, who met with representatives of SNC-Lavalin, also discussed the possibility of a deferred prosecution agreement with Ms. Wilson-Raybould on December 5 just across the street at the restaurant at the Château Laurier. Ms. Wilson-Raybould told Gerald Butts:

> . . . how I needed everybody to stop talking to me about SNC as I had made up my mind any engagements were inappropriate.

This goes back, of course, to when the letter was sent on September 4.

> Gerry then took over the conversation and said how we need a solution on the SNC stuff. He said I needed to find a solution. I said no . . .

According to Ms. Wilson-Raybould's testimony, her Chief of Staff Jessica Prince was told by Gerry Butts on December 18 to consider external counsel to give an opinion on whether to review the DPP's decision. When Jessica Prince highlighted that this would be interference, Gerald Butts said:

> Jess, there is no solution here that doesn't involve some interference.

• (1840)

At the same meeting, Chief of Staff Katie Telford said:

> If Jody is nervous, we would of course line up all kinds of people to write Op-eds saying that what she is doing is proper.

Then, the day after, December 19, 2018, the former Attorney General was asked to have a call with the Clerk of the Privy Council, Michael Wernick. Ms. Wilson-Raybould stated:

> I was determined to end all interference and conversations about this matter once and for all.

The clerk said he was calling about SNC-Lavalin and that:

> . . . he wanted to pass on where the Prime Minister is at.

He said that:

> The PM wants to be able to say that he has tried everything he can within the legitimate toolbox.

The clerk said that the PM was quite determined, quite firm, but he wanted to know why the DPA route which Parliament provided for wasn't being used. He said:

> I think he is going to find a way to get it done one way or another. So he is in that kind of mood and I wanted you to be aware of that.

Ms. Wilson-Raybould warned the clerk that:

> . . . we were treading on dangerous ground here and I issued a stern warning because the Attorney General cannot act in this manner and the prosecution cannot act in a manner that is not objective. This isn't independent. I cannot act in a partisan way and I cannot be politically motivated. And all of this screams of that.

She continued, saying that:

> The Clerk said that he was worried about a collision because the PM is pretty firm about this. . . . He told me that he had seen the PM a few hours ago and that this is really important to him.

Then, on January 7, 2019, Ms. Wilson-Raybould received a call from the Prime Minister to inform her that she was being shuffled out of her role as Minister of Justice and Attorney General. Interestingly, she stated that she believed the reason was because of the SNC-Lavalin matter, which was denied. And Ms. Wilson-Raybould has not been free to speak on matters that followed.

On January 11, 2019, the Friday before the shuffle, Ms. Wilson-Raybould's former deputy minister was called by the clerk and told that one of the first conversations that the new minister will be expected to have with the Prime Minister will be on the SNC-Lavalin deal. In other words, that the new minister will need to be prepared to speak to the PM on this file.

This speaks volumes. This is where I believe the Senate must step in. Although many senators opposite often claim that a new atmosphere of nonpartisanship and independence has suddenly descended on this chamber, the fact is that, since Confederation, the Senate has been a less partisan body than the House of Commons. That's how our founding fathers designed it. It is precisely in the current crisis that the Senate has a critical role to play.

As an independent legislative chamber, the Senate plays a crucial oversight role in monitoring how the Prime Minister and his office exercise their powers. As parliamentarians, senators have the obligation to protect and defend the integrity of our democratic and legal institutions. This scandal has far-reaching democratic and constitutional consequences. All caucuses and groups in the Senate must demonstrate true objectivity and consider all the facts in this case. They must work together in a collaborative manner to ensure that an in-depth, independent parliamentary examination can take place.

In 2014, Liberal leader Justin Trudeau said:

> If the Senate serves a purpose at all, it is to act as a check on the extraordinary power of the prime minister and his office, especially in a majority government.

Colleagues, this declaration could not be more important than it is today. We should recall that, in 2013, then Liberal leader Justin Trudeau called on the then Prime Minister to testify under oath. Yet on this very Monday, the Liberal members of the House of Commons used their majority to refuse to a request that the current Prime Minister, Justin Trudeau, appear and testify and answer questions at the Standing Committee on Justice and Human Rights.

I submit that the current issue is much more serious than the allegations that were made in 2013 in relation to happenings in the chamber. The allegations we have before us now involve the Prime Minister directly. They involve the Attorney General of Canada and also the principle of prosecutorial independence.

The words, the allegations, we are confronted with today implicate the rule of law itself. The Senate has a crucial role to play in getting to the bottom of this matter because we can delve into the details of the current matter without the rancour and division that has categorized discussion in the house. Senators opposite have boasted about their independence from the government. Well, this is a chance and a moment to demonstrate

that independence. I believe it's essential that this matter be referred to our Legal and Constitutional Affairs Committee. I can think of no other body better suited to conduct this examination.

Canadians need to know that there was not undue pressure exerted on Ms. Wilson-Raybould. A legal principle, the Shawcross doctrine, lays out how the Attorney General is obliged to act independently of cabinet in all criminal proceedings. It is a constitutional convention that is adapted into Canadian law based on a ruling from Britain's House of Lords in 1951. It says the Attorney General must take into account all relevant facts and that he or she is not obliged to consult with cabinet colleagues but is nevertheless free to do so. Cabinet colleagues cannot give the Attorney General direction but they can inform him or her of particular considerations that might affect the decision.

These considerations must not rise to the level of directing the Attorney General about what decision ought to be final. Final responsibility for prosecution decisions rest with the Attorney General alone. He or she must not be put under pressure in any direction.

These issues are complex and I acknowledge that there will be much nuance in the likely conversations that took place. They therefore require an investigation that is cognizant of the very dynamics that will be involved.

Prime Minister Trudeau has been campaigning and telling Canadians that he and his government will restore a sense of trust in our democracy and provide greater openness and transparency. Canadians want these promises to be upheld by the Trudeau government. Unfortunately, the revelations of political interference brought forward by the current scandal are in direct contradiction of what Canadians expect from their government.

On Wednesday, we heard detailed testimony from the former Attorney General Jody Wilson-Raybould:

> I experienced a consistent and sustained effort by many people within the government to seek to politically interfere in the exercise of prosecutorial discretion.

The coordinated attempts engineered by Prime Minister Trudeau to change Jody Wilson-Raybould's mind and stop the criminal trial of SNC-Lavalin are serious. Ten meetings, ten phone calls, involving 11 senior government officials targeting Ms. Jody Wilson-Raybould over a period of four months — these details are shocking and demonstrate a forceful attempt at bullying the former Attorney General to bend the law.

This is no longer "she said, he said." How many times can you say no before people listen to you when it's your job to make that decision? How many times do you say no? Is it going to be accepted? How is it going to be treated? What's the rule of law worth to Canadians?

There are two issues here: The rule of law and the fact that there may be criminal activities committed by SNC-Lavalin executives. These are two direct and distinct issues. The issue of the rule of law is the issue in this particular case and whether there was interference.

Canadians expect their Prime Minister to govern with moral authority, not one that allows partisan political motivations to overrule his duty to uphold the rule of law. Ethical behaviour is a priority in the eyes of Canadians. No one should be above the law.

• (1850)

This is why I believe the Senate Legal and Constitutional Affairs Committee is best positioned to explore all these issues and to do so in a fair and impartial manner.

[*Translation*]

We must not forget that the Senate of Canada is designed to serve as a check on the powers of the House of Commons, and that it is well positioned to get to the bottom of this matter. The protection and preservation of our democratic institutions are the responsibility of every parliamentarian. I trust that we will be able to work together to protect the rule of law in Canada.

[*English*]

It is my hope that the Senate of Canada steps up to the debate and provides an opportunity for shining a light on a very serious political scandal that is becoming a crisis with democratic and constitutional consequences.

The Senate of Canada should allow for an in-depth inquiry with the key members involved in order to get to the bottom of this scandal.

Canadians deserve to know the truth, and the only way to get to the truth is to allow for a full inquiry, an inquiry with all the key witnesses involved in the scandal. It is my hope that all groups and caucuses in the Senate work together collaboratively in obtaining answers to this story.

Let's be clear: Canadians do not want a study on jurisprudence. They want to know what truly happened to their institutions.

Honourable senators, I strongly support the motion brought forward to thoroughly examine the serious issue related to the rule of law in Canada. I, therefore, ask all honourable senators to join me in supporting this motion. Thank you.

Hon. Peter Harder (Government Representative in the Senate): Honourable senators, speaking as the Government Representative in the Senate, I would like to convey the government's consistent view that it is for the Senate to independently determine its business according to its collective judgment. The present government has always respected the independence of the Senate and its ability to make its own determinations. The decision on this motion will be the decision of senators and senators alone.

However, in considering whether the proposal in the motion before us presents an appropriate and necessary course of action, I hope honourable senators will give weight to the following considerations.

The first point to be made is fairly practical. In current circumstances, it would be my very strong preference that the Standing Senate Committee on Legal and Constitutional Affairs focus on legislation that the government and members of Parliament have justifiably determined to reach Royal Assent before the end of this session. In particular, I hope the committee will be able to move expeditiously for in-depth review of Bill C-75, which Senator Sinclair spoke to last week. As honourable senators know, that legislation responds directly to the Senate's report regarding the problem of court delays. Following the Supreme Court's decision in the *Jordan* case, court delays can, of course, lead to the dismissal of criminal charges, including serious ones.

Among other important priorities, I would anticipate the committee will tackle Bill C-78, a bill that amends the Divorce Act and other legislation that promotes the best interests of the child, addresses family violence and reduces child poverty, and improves access to the family justice system. Therefore, I hope the Legal Affairs Committee will be able to focus on that complex, time-sensitive and highly consequential work.

My second and main point is that a fair and impartial process is already under way into the situation regarding SNC-Lavalin. As you know, the Conflict of Interest and Ethics Commissioner has launched an examination under section 45(1) of the Conflict of Interest Act into the conduct of public office-holders in relation to legal proceedings involving SNC-Lavalin. This examination is appropriate and I would note has been welcomed by all parties in the other place and by the Prime Minister himself.

Just last week, the Clerk of the Privy Council, Michael Wernick, made it clear that he welcomes the investigation and is happy to submit to the judgment of the Ethics Commissioner, in particular with respect to the appropriateness of interactions with the former Attorney General.

The Ethics Commissioner is an independent, apolitical and non-partisan officer of the House of Commons. His office has the mandate and expertise to best address this matter. Critically important, the Ethics Commissioner is not a political actor. The Conflict of Interest Act provides the Ethics Commissioner with all the tools necessary to shine a light on this matter in a proper way, including the power to summon witnesses and compel them to give evidence and produce documents.

In this respect, the commissioner has the same powers as a Superior Court judge, but also important are the guarantees of procedural fairness that come with the investigations of the commissioner, including the all-important right to be heard by an impartial decision-maker.

Canadians are rightly vigilant for the integrity of our system of justice. The public can take reassurance that there is now a process to impartially examine the situation. Canadians should trust that process and so should senators.

With this in mind, we should allow the Ethics Commissioner's examination to take its course with confidence that that process will be non-partisan through an appropriately bounded legal assurance. If we preemptively question the adequacy of that process, we would have to ask on what basis we would do so.

Parliament decided to create the position of the Ethics Commissioner, and it did so for a purpose. Is there any compelling reason to doubt that the commissioner will get to the bottom of the allegations reflected in the motion before us in a more fair, sober and balanced fashion? Is there any compelling reason to believe that we, as the Senate, are better equipped to handle this matter or that we would do a better job than Commissioner Dion? We should be cautious about inserting this chamber into a matter being scrutinized by the office, with the utmost suitable mandate and expertise at his disposal.

In addition, speaking practically, I have not heard a persuasive explanation as to why Senate proceedings would be necessary to shine a light on the alleged events, even were the Ethics Commissioner process not under way.

We should consider that anything that could potentially be disclosed in a Senate committee would also be disclosed to the Ethics Commissioner. Indeed, our confidence in the examination of the Ethics Commissioner can only be bolstered by the announcement made by the government this week.

On the recommendation of the Prime Minister, Her Excellency, the Governor General in Council, has issued a waiver of solicitor-client privilege and cabinet confidentiality for the purpose of allowing disclosures by Jody Wilson-Raybould and persons who directly participated in discussions with her respecting the prosecution of SNC-Lavalin.

Under the parameters of this order-in-council, the waiver applies strictly to disclosures made for the purpose of examination of the Conflict of Interest and Ethics Commissioner and with those made for the purposes of ongoing hearings before the House of Commons Standing Committee on Justice and Human Rights.

As honourable senators know, in addition to the independent and non-partisan examination by the Ethics Commissioner, the House of Commons Standing Committee on Justice and Human Rights has undertaken to examine remediation agreements, the Shawcross Doctrine, and discussions between the Office of the Attorney General and government colleagues.

The committee first decided to begin by hearing from the current Minister of Justice and Attorney General, the Deputy Minister of Justice and the Clerk of the Privy Council. The motion adopted at the committee states clearly that the witness list include these individuals but that it not be limited to these individuals.

The committee subsequently invited the former Attorney General to appear as a witness on her wide-ranging testimony, which was given to the committee yesterday during three and a half hours of testimony.

It may well be that more witnesses will be invited — a determination that will appropriately be made by the committee itself. Its members will probably have the opportunity to consider today's formal request of former Principal Secretary Gerald Butts to appear and produce his own evidence, including the production of relevant documents to that committee.

Some days ago, honourable senators may recall that the opposition leader in the other place, Mr. Scheer, described the house Justice Committee's study as "a complete sham." He described the Senate as an option should the Standing Committee on Justice and Human Rights probe fall flat.

We now know that this was a premature assessment of the other committee. The hearings have been thorough, transparent, relevant and helpful as they will provide a sufficient factual basis upon which Canadians can cast judgment prior to the conclusion of the deep-dive examination by the Ethics Commissioner. As a Senate, we should allow these two processes to develop and not seek to do this work in triplicate.

• (1900)

In closing, the main point I would emphasize is that we do, in fact, have an independent and impartial process to bolster public confidence by verifying that no lines were crossed. We as senators should endorse and trust that process.

MOTION IN AMENDMENT

Hon. Peter Harder (Government Representative in the Senate): Therefore, honourable senators, in amendment, I move:

That the motion be not now adopted, but that it be amended by replacing all words following the first instance of the word "That" in the motion with the following:

"the Senate acknowledge that the Conflict of Interest and Ethics Commissioner, an independent, impartial, apolitical and non-partisan Officer of the House of Commons, has launched an examination under Section 45(1) of the *Conflict of Interest Act* into the conduct of public office holders alleged to have occurred in relation with legal proceedings involving SNC-Lavalin;

That the Senate observe that the Conflict of Interest and Ethics Commissioner has all the statutory powers necessary to summon the witnesses that his office will deem relevant and necessary to the said examination and to compel them to give evidence and produce documents; and

That the Government Representative table a copy of the report of the Conflict of Interest and Ethics Commissioner setting out the facts in question as well as the Commissioner's analysis and conclusions pursuant to Section 45 of the *Conflict of Interest Act* once it is public.".

The Hon. the Speaker: In amendment, it was moved by the honourable Senator Harder, seconded by the Honourable Senator Mitchell that the Senate — may I dispense?

Some Hon. Senators: No.

Hon. Donald Neil Plett: No. I would like to hear it.

The Hon. the Speaker: If we could get a copy for everybody. Is it possible we could get a copy?

I'll read the whole thing, and then hopefully we'll be able to distribute copies.

That the motion be not now adopted, but that it be amended by replacing all words following the first instance of the word "That" in the motion with the following:

"the Senate acknowledge that the Conflict of Interest and Ethics Commissioner, an independent, impartial, apolitical and non-partisan Officer of the House of Commons, has launched an examination under Section 45(1) of the *Conflict of Interest Act* into the conduct of public office holders alleged to have occurred in relation with legal proceedings involving SNC-Lavalin;

That the Senate observe that the Conflict of Interest and Ethics Commissioner has all the statutory powers necessary to summon the witnesses that his office will deem relevant and necessary to the said examination and to compel them to give evidence and produce documents; and

That the Government Representative table a copy of the report of the Conflict of Interest and Ethics Commissioner setting out the facts in question as well as the Commissioner's analysis and conclusions pursuant to Section 45 of the *Conflict of Interest Act* once it is public.".

On debate. Senator Housakos, question?

Hon. Leo Housakos: My question is for the government leader in the Senate. I appreciate his attempt here with this motion, but the reality of the matter is we all know from our experience with the Ethics Officer, and we've known from countless experiences with the Ethics Commissioner on the house side, that these are officers of Parliament named by the government and the Prime Minister, especially when they hold the majority in the House of Commons.

We also know that they have very narrow parameters, government leader, in that they're confined by the ethics code of the house, and they're particularly confined on issues such as this where there's no precedent. Here's a question, and the media knows it, the public knows it and parliamentarians know it. This is an accusation, allegations of obstruction of justice and political interference in our judicial process.

Government leader, clearly the move on the part of the government to send it to the Ethics Commissioner on the house side was found to be illegitimate and not effective or sufficient enough by the House of Commons, which is their right to do so, and they've questioned the legitimacy of just leaving it in the hands of the Ethics Commissioner. This chamber, which has its own independent authority and right, should leave it to the Ethics Commissioner of the House? If it's not good enough for the House of Commons and they've pursued an investigation, why should it be good enough for the Senate?

Senator Harder: I thank the senator for entering the debate, and I urge him to be more fulsome at a later date.

Let me simply say that casting aspersions on the integrity of the Ethics Officer's appointment is, quite frankly, shocking in its own right. Suggesting that an officer of Parliament who is appointed through the appointment process, involving appearing before the chamber, taking questions and being endorsed by the chamber, is hardly appropriate.

Having the Ethics Commissioner, who has the power of inquiry as a Superior Court judge, is not reflecting well on the judgment of the questioner.

Let me simply reiterate that the Ethics Commissioner is a person of integrity, an office that has the powers to investigate and, quite frankly, does so with greater insight than the questioner.

Senator Housakos: Government leader, can you answer to this house who has greater privilege and authority in our parliamentary system? Is it the Justice Committee of the House of Commons or the justice committee of the Senate or the Ethics Commissioner?

Senator Harder: I'm not going to enter into a debate on this except to reference the comments. Thank you for the invitation to do so.

The House of Commons Justice Committee has, as I referenced, pursued its inquiry with a spirit not as partisan as Mr. Scheer has suggested and, in fact, has done so with some distinction on all sides, by the way. I am not diminishing the work that committee is doing. Indeed, the waiver that I referenced indicates that the Government of Canada, by the order-in-council itself, is showing respect to that committee because the waiver extends to that committee's work as well.

I just think that this chamber has other priorities. Let's not try to get into the act and play junior league second-guessers.

Hon. Dennis Glen Patterson: Would Senator Harder take a question?

Senator Harder: Of course.

Senator Patterson: With respect to your suggestion that the Ethics Commissioner of the House of Commons is the appropriate place to independently investigate this, Senator Harder, I would submit to you that the Ethics Commissioner's responsibility is to undertake investigations relating to the ethics code, in this case as it would apply to ministers. I would suggest to you that given the complex circumstances here, it does have to go beyond a code inquiry to get at the truth and to get all the details.

I'd like to ask if you accept that the Ethics Commissioner does not have the mandate to investigate all aspects of the conduct of the members of the executive branch in carrying out their duties.

Senator Harder: If I understand the question correctly, the honourable senator is suggesting there are matters outside of those that the Ethics Commissioner would be examining that need to be part of a broader examination.

Senator Patterson: Outside the code.

Senator Harder: I'm unaware of what he's precisely contemplating.

We have a situation where the minister has confirmed that there has been no illegal act, as she would define it. Others have confirmed that their actions were not illegal.

The questioners of the former minister and of others have been reassured by all concerned thus far that, in their view, those interventions that they undertook did not direct or otherwise ensure that the minister took a certain course of action.

If the honourable senator is impugning illegal acts, there are other authorities to undertake illegal acts, but at least at this point I haven't heard any, other than the possible accusations implied in the question.

Senator Smith: Senator Harder, I had to go call my wife because I hadn't spoken to her all day, and she was worried. She didn't know what I was doing.

Senator Harder: She heard you speak. She thought you were sick.

Senator Smith: I'd like to ask you a question, because it's bothersome for me.

I have a great deal of respect for you as a person, and everyone in this room. I have never in my life been called a junior leaguer. I think that's a terrible thing to say. You're saying that the people in this room — you're a doctor; you're a successful individual; you're one of the greatest press people whom I grew up watching on TV. Everybody in this room is an accomplished individual, and yet you have the gall to call us junior leaguers, when you have people in the committee in the other place who will not allow Jody Wilson-Raybould to speak about what happened after she left her position as Attorney General.

• (1910)

You guys want to have it all the way so that you control everything that everyone says. Personally, I look at this as an opportunity for us to have objectivity and to get people on both sides to work together because we have a common goal. We're looking at the rule of law and at the integrity and credibility of our Canadian institution.

Senator Martin: Hear, hear.

Senator Smith: Do you want to call André Pratte a junior? I used to read his articles all the time too. I think it's terribly disrespectful and arrogant. This is, unfortunately, representative of this government, the arrogance to call us "juniors." It is unbelievable. I may not have as much experience as you in government, but I can accept that. We may not be the greatest people in the world, but I can tell you that we've got a great team.

I'd like to ask you, if you wouldn't mind, to retract what you said about us, because it's not only about us but about everyone in this room.

I think Senator Woo is a pretty good guy, and I think Marc Gold is a pretty competent person. I certainly think Joe Day is, because he taught me everything I know about finance.

Thank you, Joe.

I'm sorry to get so emotional, but you've got to respect other people.

Senator Harder: I thank the honourable senator for his intervention. Let me certainly withdraw my reference. I can only describe it as an attempt on my part to suggest that a third forum for this debate is not necessary.

Senator Housakos: Government leader, we've heard disparaging comments about this institution, about merit and non-merit senators, for quite a while. To be honest with you, it's not a shock or a surprise; it's been pretty consistent on the part of this government and on your part on a number of occasions.

Having said that, I return to my earlier question, which you haven't answered. Obviously, the House of Commons did not feel that the Ethics Commissioner was the ideal forum to deal with this serious issue. They found that they needed to broaden the mandate and to arrive at serious answers. They needed certain powers that the Ethics Commissioner didn't have. Clearly, the ethics code does not highlight the egregious allegations that are before the Prime Minister's Office and the many people who are faced with these questions.

I don't understand, particularly given the mandate and the history of this institution as a place of sober second thought, as a place that is innately not as partisan as the House of Commons because we don't have to face the electorate. Unlike the Prime Minister and the Leader of the Official Opposition and third parties in the house, we are not preoccupied with the election six months down the road, because we have a mandate.

Maybe you are, Senator Woo, but I certainly am not. I have a mandate until the age of 75. I remind you that so do you.

At the end of the day, we have to fulfill that obligation in an independent and non-political fashion. Wouldn't you agree with that statement?

Senator Harder: Again, I thank the honourable senator for his devotion to independence. I would simply point out, though, that it was Mr. Scheer who indicated he would be directing his Conservative caucus in the Senate to seek an inquiry. I'm sure it was in the spirit of non-partisanship that it was offered.

I would suggest that this chamber reflect on the points I made. As I said at the start, it will be this chamber, and this chamber alone, that determines whether or not this motion is accepted.

Senator Housakos: Government leader, it seems you never have any problems when you get directives or suggestions from the Prime Minister. You seem to embrace them with great enthusiasm. Whenever a suggestion comes from the Leader of the Official Opposition, you seem to have a bit of negativity and frustration with those suggestions. At the end of the day, when you're independent, you should embrace all the suggestions and let them reach the floor here and have a discussion. Wouldn't you agree, senator?

Senator Harder: Senator, I think the great difference between your position and mine is that you sit in a national caucus and I do not.

Hon. Dennis Glen Patterson: Just one question, if I may, Senator Harder. Maybe I did not make myself clear enough, but you've asked us to reflect on your words. I'd put it to you that — as a former Speaker of this house has said perhaps more eloquently or clearly than I — these are fundamental questions involving principles of constitutional law: the independence of the Attorney General, the rule of law.

Will you reflect on the points made today that the Ethics Commissioner's mandate, governed by the code of ethics of Parliament, is limited and is not appropriate for undertaking investigations of this weighty nature, and that the commissioner may not have the mandate to conduct the full investigation that you want? Would you reflect on that?

Senator Harder: Senator, I want to give you the assurance that I will reflect on all the points made in the course of this debate, as I hope all senators will, because at the end of the day the Senate, and the Senate alone, will determine whether or not this motion is accepted.

The Hon. the Speaker: Senator Housakos, do you have a different question?

Senator Housakos: I have a different question.

Government leader, in your speech you mentioned — and you just reiterated in your answer — that only this house has the independence to take this decision, yet Senator Smith is the first to speak on his motion, on an issue that is certainly the hottest public policy issue in the country right now. It's talked about from coast to coast to coast. The first thing you did in the spirit of independence is to move an amendment basically blocking any investigation. Is that what you consider to be a spirit of openness?

Furthermore, we're all particularly perplexed. Given the severity of the questions being asked by everybody from coast to coast to coast, why, over the last few weeks, does there not seem to be the same intensity of interest in this issue on the part of a single senator appointed by Prime Minister Trudeau?

Senator Harder: I can only speak for myself, senator, but I believe that the Senate, and all senators, have spent the last number of weeks devoted to Senate business, except when the bells were ringing and business was disrupted for, I'm sure, very eloquent and logical reasons.

Hon. Tony Dean: Honourable senators, I will be brief.

I rise to support Senator Harder's amendment, for three reasons. First, the matters in relation to SNC are already being examined by the Ethics Commissioner of the House of Commons. I know questions have been raised about that, but I think it's important to note that, in parallel, the matter is under

active review by the House of Commons Justice Committee. It's becoming more active; it's becoming broader by the day; and we're hearing important testimony that is being placed on the public record.

Of course, the issues at play with SNC are also now before the courts. A judicial review has been launched, and I believe there's a preliminary inquiry on criminal charges. The testimony in the House of Commons Justice Committee has already shed considerable light on the issues we are talking about here, and we have every reason to expect that will continue.

Colleagues, let me say that I absolutely applaud and welcome a less partisan and more independent approach to all the work we do. I will say that, like you and others here, I'm still learning about the matter we are discussing. I'm learning more every hour from testimony at the Justice Committee, and we know that more light will be shed on this. I think that the Office of the Ethics Commissioner and the Justice Committee of the House of Commons are appropriate places for these matters to be examined.

• (1920)

In the interim, I know together with everyone else, there has been no variance in the well-known position taken by the federal prosecution service. That we do know. To this point in time SNC-Lavalin's request for a deferred prosecution arrangement has been denied. I'm going to observe, as did somebody at the Justice Committee last week, that the system we have in place in our political process to protect the integrity of the rule of law, however messy that might be — and there are people in this place besides me who have seen the messiness of government and seen the relationships between political actors in government and know it can be difficult and it can be contested — has worked in terms of its outcome precisely as it was intended.

My point right now is a simple one: At this time, given those two reviews, given the degree and the breadth of testimony that we're hearing, particularly from the Justice Committee, there is no purpose at this time in an additional Senate inquiry. Thank you.

Senator Housakos: Honourable colleagues, the allegations of political interference in the criminal matter facing the current debate and their lack of transparency has brought the integrity of our judicial process into question. Meanwhile, there has been a lot of talk, both here in Parliament and in the media, about Parliament's role, if any, in getting to the bottom of these allegations.

As a parliamentarian and as an ardent admirer of our Westminster parliamentary system, as a Canadian, I'm deeply troubled by some of what I've heard and not just how it relates to this matter specifically, but how it relates to our collective understanding of the role of Parliament in general.

Let me quote our colleague from the other place member of Parliament Randy Boissonnault last week at the House of Commons Justice Committee. Mr. Boissonnault said: "The role of the Justice Committee is not an investigative body."

Colleagues, I couldn't disagree more. Parliamentary committees are investigative bodies at their very core and they are just one of the means available to Parliament to examine and challenge the work of government, which in itself is one of the main obligations of Parliament. Nowhere in our Constitution or the Parliament of Canada Act does it say that parliamentary scrutiny of the government's work is limited to the legislative matters, lest anyone make that argument.

While different committees have different areas of study and different roles as far as offering advice, overseeing procedure and operations and/or producing reports and studying legislation, make no mistake, committees can be and are very much investigative.

Mr. Boissonnault went on to say that committees of the House of Commons are political theatre that can at times achieve good studies, but they don't have the tools, the budget or the mechanism to go through what Mr. Boissonnault describes as a fishing expedition by the opposition. Again, not true.

Parliamentary committees have many tools available to them, including the authority to subpoena witnesses and compel testimony. Parliamentary committees have a lot of teeth in our system. Other resources are made available as deemed necessary by MPs and senators according to the needs of their inquiry.

I'm always a little saddened when I realize how few Canadians know that. I wasn't saddened by Mr. Boissonnault's comments. I was beyond sad. I was very disappointed to hear a fellow parliamentarian describe the work of any committee, never mind his own, in such a disparaging manner. But like I said, it seems to be the norm over the last few years.

I was also disappointed to hear him describe legitimate questions by parliamentarians as nothing more than a fishing expedition. Both of these things show a complete disregard for the work done here in Parliament on behalf of Canadians. If we ourselves are so flippant and dismissive, if we ourselves show so little regard for Parliament, how are Canadians supposed to have any respect for or faith in it and the work we do on their behalf? I find that quite troubling, colleagues, as should all of you.

I'm not picking on Mr. Boissonnault. He's not alone in expressing these types of sentiments. Mr. Goodale made disparaging remarks as well and we seem to see and hear it all the time. Every criticism, every question of the executive is dismissed as partisanship. Imagine, criticism and vigorous questioning of the government by the opposition is no longer the role of Parliament. Imagine that, Senator Day — unbelievable.

Seeking answers on behalf of Canadians is not partisan. It is at the core of parliamentary existence and purpose and therefore at the core of our democracy. All we need to start showing is some respect for our parliamentary institutions — all of us.

What we did on our social media accounts or in media interviews and at various events outside of this place is one thing. Our jobs here in Parliament, our obligation to Canadians is to hold the executive branch of government to account. That goes for both houses of Parliament and it goes for all members, regardless of which chamber we sit in or which party we're affiliated with, if at all.

Yes, even those members of Parliament who sit on the back benches of the governing party are, first and foremost, parliamentarians who are supposed to represent the people who sent them here and seek answers and accountability of the executive on their behalf. This is done in part through committees — at least in theory it's supposed to be. It is also supposed to be done through Question Period and debate in chambers and, again, in the case of our bicameral Westminster system that goes for both chambers, colleagues.

The Senate is every bit as much a part of Parliament as the House of Commons. Section 18 of the Constitution, as I'm sure you all know, gives both houses the same powers and privileges as the House of Commons at Westminster. Colleagues, that is what's most important here. It's our Constitution. It's nothing else, nothing more.

Prime ministers get elected and they come in here with their theories of Senate reform and we've seen a few over the years. However, I assure you, colleagues, prime ministers come and go with their Senate reform plans but the Constitution has survived the test of time for 150 years. I will stand on those pillars.

The Constitution does not distinguish between our two chambers. Section 18 is clear. It does not give the Senate the same powers and privileges as the House of Lords, colleagues, but rather the House of Commons. The only exception is the Senate cannot initiate money bills. And yes, while the Senate prides itself on being the chamber of sober second thought, especially when it comes to scrutiny of legislation, and we pride ourselves on our committee work and produce often-cited reports like the Kirby report on mental health and *Pay Now or Pay Later*, a report on autism.

Make no mistake, we can be and should be every bit as robust in our role of examining and challenging the work of government in their day-to-day running of the country. It is our obligation to the regions we represent. As Justin Trudeau himself said, and he was quoted by my colleague earlier, if the Senate serves a purpose at all, it is to act as a check on the extraordinary power of the Prime Minister and his office, especially in a majority government.

Senator Smith, he was in opposition at the time. When leaders are in opposition they have more use for Parliament than they do when they become Prime Ministers.

An extraordinary power, it has been alleged, has been abused. That is what we are talking about, colleagues. The allegations facing the Prime Minister's Office are just that — allegations. They are very serious allegations and in the 12 days since these allegations first surfaced, rather than being provided with any clarity, Canadians have been left with more questions. They deserve answers to those questions, colleagues. It is our responsibility to do what we can to provide those answers.

Earlier this week our colleague, Senator Pratte, a member of the Senate Legal and Constitutional Committee, responding to a reporter about whether it's the Senate's job to investigate this matter, said he wasn't sure but that: "It is an important issue and it does not appear that the House of Commons' Justice Committee will be able to get to the bottom of it." And I couldn't agree with him more.

Senator Pratte went on to say he wasn't sure that the Legal and Constitutional Affairs Committee of the Senate has the mandate to carry out such an investigation and that he would have to be convinced.

Colleagues, all of our committees have the mandate to study that which they decide to study and that with which the Senate directs it to study. If we decide in this chamber to give the committee the mandate to study this matter, it's done, at least from a technical procedural standpoint. If Senator Pratte cannot be convinced that the Legal and Constitutional Affairs Committee has or should be given the mandate to carry out this investigation, there are other options. We can strike a Committee of the Whole and in a transparent way subpoena all the relevant players to come before this committee. However, similarly to Mr. Boissonnault, Senator Pratte also voiced concern that some would use such an inquiry to score partisan points.

I share this concern. I really do share this concern, Senator Pratte. I don't think inflicting political wounds justifies holding a Senate investigation on this matter anymore than I think protecting somebody from suffering political wounds justifies not holding a Senate investigation into this matter. You see, either way we run the risk of being perceived as being partisan. I'm not convinced it's a good enough reason one way or another.

• (1930)

I would argue it is because of the less partisan nature of this Senate and institution that the Senate is the perfect place to hold this type of investigation. Even before Justin Trudeau's vision of the Senate was realized, this institution has been recognized as less partisan than the other place. We're told that it is even less so now. That would certainly appear to be the case based on the fact that the majority of senators sitting here have no official party affiliation.

Colleagues, I respect your choices on that matter. All I've ever asked is that you respect mine, of course. Party member or not, we are all parliamentarians tasked with representing the best interests of Canadians and the people we represent. I take my role as a parliamentarian very seriously, as I know each and every one of you do as well, regardless of which side of the chamber we sit on. We may differ on our political views. We may differ on what we think those best interests are, but we are all here doing what we genuinely believe is the right thing to do that. I sincerely believe that. I believe that every member of the ISG, every member of the Senate Liberal caucus, every Conservative and every independent make their decisions in this place on what they ideologically believe is the right thing to do for Canadians.

I sincerely believe what is the best right now is for Canadians to have some answers. We need answers because confidence in our judicial system, in our democratic institutions is clearly at stake. We need to answer so that Canadians can continue to have faith in our parliamentary system, in our democracy, in addition to our bicameral Westminster parliamentary system. The most essential elements that go to the heart of our democracy, colleagues, as we all know, is the separation between our three branches, executive, legislative and the judiciary.

That is a separation and independence that must be protected and upheld at all costs. Right now we have very serious allegations that there has been a breach of that separation. I won't sit here and go through what some of the people have alleged has happened and what various explanations have been. This is not the place to engage in that speculation. This is the place to do the very opposite, to get to the bottom of things in a transparent way.

To seek those answers is not partisan. It is our obligation, colleagues. We swore an oath to represent our regions and the people who live in those regions. I won't speak for anyone else. I will only speak for myself when I say that my intentions are to shine the sunshine on this issue and that is crying out for us. We have an obligation, colleagues. There is no better place to do it than here in Parliament. It can't be laughed off and diminished as not being important. It is your primary obligation on behalf of the people you represent.

This is an opportunity for us as parliamentarians to prove our worth to the citizens if we are to have any credibility and be relevant as an institution. That won't be done by shying away from our obligations in examining and challenging the government and its application of its extraordinary power. We must show Canadians they can continue to have faith and confidence in this institution. Let's do the right thing. Let's once and for all do the right thing as a non-partisan institution and show that we can lead as a parliamentary body. Thank you, colleagues.

Senator Harder: Question. I would ask the honourable senator if he would take a question.

Senator Housakos: Absolutely.

Senator Harder: Senator, would you feel it appropriate for a House of Commons committee to probe an ethics question that is being examined by a Senate Ethics Officer on a Senate issue?

Senator Housakos: If it has to do with the Government of Canada and the executive branch, any one of the two chambers has a right and an obligation to investigate. If it has to do with a member of the government that happens to be serving in this chamber, a minister, a government leader, it's not only their right but their obligation.

Senator Harder: Did you hold that view in the previous Parliament when there were ethical issues that were not examined by the House of Commons but were examined within the Senate?

Senator Housakos: I will jog your memory a little bit, government leader. It was our government — and when I say "our government," it wasn't an executive decision. It was the government leader in the Senate and the Conservative loyal majority caucus in the Senate that called in the Auditor General for a forensic audit on ourselves. When your government ever shows the level of transparency we've done, then I will take your question seriously.

Hon. André Pratte: Honourable senators, Senator Harder's amendment and the motion, the original motion, raised at least four questions: One, is this a matter worthy of a parliamentary investigation? Two, is such an investigation within the Senate's purview? Three, is this the right time to launch such an investigation or should we wait for the House of Commons Ethics Commissioner to report, as the amendment suggests? Four, is the Honourable Senator Smith's motion, if we do not amend it, a solid basis on which to launch a nonpartisan examination of the matter?

First question, is this matter worthy of parliamentary examination? Absolutely. This is not contested. The Prime Minister, the current Attorney General and the Clerk of the Privy Council, Michael Wernick, have all said this issue was important and they welcome the House of Commons Committee on Justice and the House of Commons Ethics Commissioner's investigations.

Mr. Wernick stated:

> It has become clear that Canadians deserve and require a public and transparent review of the events at issue.

I agree. Honourable senators, it is far from the first time in Canada, in the U.K. and in other Commonwealth countries, that events have raised concerns regarding the independence of the Attorney General in regards to his or her prosecutorial powers. The principle involved, the Shawcross doctrine, appears clear enough at first glance. However, as the late Australian judge L. J. King noted two decades ago:

> The application of the convention to concrete situations has had a chequered history and the proper relationship of the Attorney General to cabinet in relation to decisions as to the exercise of the prerogative discretion is by no means easy to define in a way which produces consistently satisfying outcomes.

It is clear the Attorney General may consult his or her cabinet colleagues and that they may inform him or her of public policy considerations that the Attorney General should take into account. However, such considerations must not be of a partisan nature. The business and economic consequences of prosecuting a Canadian engineering giant would normally count among legitimate considerations. But the new section 715.32(3) of the Criminal Code appears to narrow the scope of these considerations. This is the section which prohibits the prosecutor, in cases of bribery of foreign officials, from considering "the national economic interest" when assessing whether to enter negotiations for a remediation agreement. This complex matter at least deserves further examination.

What remains clear is that no one in cabinet, even the Prime Minister, shall direct the Attorney General to prosecute or not to prosecute a specific case. Nor should anyone pressure the Attorney General. I quote Lord Shawcross:

> The responsibility for the eventual decision rests with the Attorney General, and he is not to be put, and is not put, under pressure by his colleagues in the matter.

The crux of the matter, therefore, is, what is considered "pressure"? In his testimony last week, Mr. Wernick asserted that:

> There was no inappropriate pressure put on the minister at any time.

But the Shawcross statement does not talk about "inappropriate pressure." It appears to indicate that any pressure is inappropriate.

In her testimony yesterday, the former minister told of receiving multiple and insistent high-level invitations to consider the political and economic impact of her prosecutorial decision, even once she had clearly stated that her decision was final and she considered such requests as infringing upon the Attorney General's independence.

Ms. Wilson-Raybould is convinced that this kind of pressure crosses the line drawn by Lord Shawcross. The government disagrees.

I believe that if the events unfolded as Ms. Wilson-Raybould narrated them yesterday, she is right. There were simply too many occasions, with too many people involved, including veiled threats, for these incidents to be discounted as cabinet only politely conveying its views on what it saw as the public interest.

It is still early to reach a final conclusion. Many protagonists have not given their version and even the former Attorney General's three and a half hour appearance leaves many questions unanswered.

Therefore, the second question raised by the amendment and the original motion, is it the Senate's role to investigate such a matter? The answer is, it depends.

• (1940)

As you well know, the Senate, according to the Supreme Court, is a complementary legislative body rather than a perennial rival of the House of Commons. In the dictionary, "complementary" is defined as "serving to complete" — complete, not compete. Our role in the present matter, if we have one, would be to complete the work of the other place if need be.

The House of Commons Justice Committee is currently investigating and has heard the former and new Attorney General, the Clerk of the Privy Council and experts on remediation agreements and the Shawcross doctrine. The Senate's duty would be to complement, to complete the house's investigation, if we believe that it was not exhaustive, not to compete with the house. The issue here is not a contest between both houses but whether the matter has been thoroughly examined by Parliament. For now, I believe it would be a mistake to prejudge the other place's work.

The fact that the Senate is less partisan than the House of Commons is among the main reasons provided for launching a Senate investigation of the SNC-Lavalin affair. To be frank, and considering recent events in and outside this chamber, I don't think there is much hope that a Senate investigation would be totally nonpartisan. You cannot one day call on truck drivers to roll over every Liberal left in the country and the following day argue that you are less partisan than the members of the House of Commons.

Tuesday, the leader of the Conservative Party said of this affair that it is a textbook case of government corruption. Yesterday, he demanded the Prime Minister's resignation. Even if you accept the whole of Ms. Wilson-Raybould's version of events, Mr. Scheer's comments constitute a rather generous interpretation of the facts as we know them. We may well be facing a case of serious interference with the independence of our justice system, but it is premature and especially careless to allege criminal acts at this stage.

[*Translation*]

The third question is as follows: is this the right time to launch such an investigation? I believe it is too soon. It is too soon to say conclusively that the investigation of the Standing Committee on Justice and Human Rights will be inadequate. In fact, we have already learned a lot from it.

It is too soon because, since the work being done in the other place is far from complete, it's impossible to know what the Senate, a complementary chamber, could add to that and what approach it should take.

That being said, the amendment proposed by Senator Harder suggests that we wait until the House of Commons Ethics Commissioner completes his investigation. I believe that will be too late.

Judging by his usual practices, the commissioner will take a least several months to carry out his investigation. Adopting Senator Harder's amendment would amount to putting off a Senate investigation indefinitely. The Senate certainly does not have to wait until the Ethics Commissioner in the other place completes his investigation to try to get its own answers, if that proves to be necessary.

What is more, as has already been pointed out, the Ethics Commissioner's investigation will focus only on a relatively limited aspect of the matter, namely the *Conflict of Interest Code for Members of the House of Commons* or the Conflict of Interest Act. Unless I'm mistaken, those documents do not make any reference to the independence of the Attorney General, which is at the heart of this controversy.

Fourth question, if we do not amend it, is Senator Smith's motion the appropriate tool to launch the non-partisan inquiry we all say we want, or must it be amended? In my opinion, this motion is unsatisfactory because it is partisan and premature.

The deadline set out in the motion, June 1 at the latest, would give the committee three months to complete its inquiry, which is much too long for such a specific undertaking. Perhaps there are ulterior motives at work.

Indeed, had Senator Smith wanted to launch a non-partisan inquiry, he would have made a point of consulting the other groups in this chamber in hopes of finding consensus on a motion. As far as I know, he did no such thing before moving the motion.

[*English*]

Consequently, the answers to the four questions are, one, there is no doubt that the issue raised by Senator Smith's motion and by Senator Harder's amendment is serious and worthy of parliamentary investigation.

Two, if the Senate were to hold such an investigation, it would need to be complementary to the work of the other place's own inquiry. With this investigation being far from complete at the moment, it is impossible to assess whether a complementary probe will be necessary.

Three, it is therefore too early for the Senate to launch an investigation on the SNC-Lavalin affair. However, Senator Harder's amendment would practically ensure the Senate would not examine the matter before the end of this Parliament.

Four, Senator Smith's unilateral motion is too partisan to serve as the basis for an objective examination of the relevant issues.

Honourable senators, I am not at all rejecting the idea of an investigation of the affair by the Senate. However, rushing is the opposite of sober second thought. Duplicating the process is not a good use of our energies, our time and taxpayers' money. On the other hand, if we decided to wait so many months, as suggested by Senator Harder, we would abdicate our responsibilities as a complementary chamber.

Senator Smith, as is normal in partisan politics, seeks to embarrass the government. Senator Harder, as is also legitimate, is trying to protect the government. Independent senators should do neither.

In my view, the preferable scenario is we wait to see if the other place's Justice Committee hears all the relevant witnesses and thoroughly considers all the evidence. If they do, there will be no need for a Senate probe. If they don't, then, and only then, we should decide whether we have a duty to complete the job. As a house of Parliament, we should not have to wait the many months that the ethics commissioner's investigation will take before we attempt to ascertain the facts.

Consequently, I must say for the moment, but it is early in the debate, that I'm tempted to vote against both Senator Harder's amendment and Senator Smith's motion. Of course, before I make a determination on this, I will listen to what the wise members of this chamber have to say because, as Senator Harder indicated, in the end, the Senate will decide.

Honourable senators, as independent legislators, which we all claim to be, we need to avoid both partisan precipitation and partisan delay. We should not thoughtlessly jump in the partisan fray but neither should we shirk our responsibilities. Finding the right balance is not easy, but it is precisely the mandate of an independent house of sober second thought.

Now, some might not like that the opposition is using this controversy to score political points. Others might be tempted to give the government the benefit of the doubt. And others will hold opposite views. But colleagues, our duty as independent legislators is not towards the opposition or towards the government. Our duty is to serve the truth. And by serving the truth, we serve Canadians. Thank you.

Hon. Yuen Pau Woo: Would the honourable senator take a question?

Senator Pratte: Yes.

Senator Woo: Thank you for a thoughtful exposition. I'm thinking of one of the four criteria where you ask us to wait for the outcome of the house committee investigation to decide if they have sufficiently covered the issues before we make up our minds.

I'm wondering if you could help us think through how we would decide if the house has reached a proper conclusion. On any issue that's controversial and complex, there will always be questions remaining and there will always be people asking for more. Some of these questions cannot be answered because the information is not there. Some of these questions are philosophical or ideological in nature. Some of these questions are matters of legal debate that will go on for ages and will not arrive at any meaningful conclusion that everyone can settle on.

While I accept your conclusion as a very rational and practical one, can you help us think about how we might begin to decide how the house has done its proper job when the time has come that they have finished the investigation?

The Hon. the Speaker: Senator Pratte, your time has expired. Are you asking for time to answer the question?

Senator Pratte: Yes, to answer this question.

The Hon. the Speaker: Is leave granted, honourable senators?

Hon. Senators: Agreed.

The Hon. the Speaker: Go ahead, Senator Pratte.

Senator Pratte: Of course it's a difficult question. The first test is whether the justice committee of the house hears all the relevant witnesses. That's the first test.

It's also how the hearings go. For instance, many people thought if Ms. Wilson-Raybould would testify in front of the Justice Committee in the other place, because it's too partisan, we would never get enough answers and it would be a partisan game more than a thoughtful hearing.

• (1950)

In the end, we discovered that in fact it was a very thoughtful and thorough examination of the evidence provided by the former Attorney General. Therefore, I think this is the first criteria.

Will we hear all the witnesses relevant to this issue? Will the hearings be as informative and thorough as they should be?

I know the opposition believes we should not get into the legal technical issue of the meaning of the Shawcross Doctrine. The house committee has done a little bit of that, but in my view not

enough of it. It's extremely important to understand the difference between pressure and inappropriate pressure. What is the difference between the two? I don't think that's quite clear. If the House of Commons does not address that, maybe it's an issue we could address, along with hearing the additional witnesses that would not have been heard by the Justice Committee.

Senator Woo: I can't quickly think of a way to frame this as a question, but I'll go on debate to simply thank Senator Pratte for those questions and to comment that it's late at night now. There's no media that I can see in the chamber recording this. I do hope that some of the suggestions Senator Pratte has put forward about what we would be looking for in the House of Commons Justice Committee's deliberations are in fact noted by them so that they understand that we, as a complementary chamber, are not going to jump the gun here. However, we are going to be very interested in who they call as witnesses, the type of questioning, the partisan or non-partisan nature of the questioning, and the thoroughness of the investigation. That will have a bearing on our decision when the time comes, if the time comes.

Senator Gold: I move the adjournment of the debate in my name.

The Hon. the Speaker: Moved by the Honourable Senator Gold, seconded by Honourable Senator Woo, that further debate be adjourned until the next sitting of the Senate.

Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: Yes.

Some Hon. Senators: No.

The Hon. the Speaker: All those in favour of the motion will please say "yea."

Some Hon. Senators: Yea.

The Hon. the Speaker: All those opposed to the motion will please say "nay."

Some Hon. Senators: Nay.

The Hon. the Speaker: In my opinion, the "yeas" have it.

The Hon. the Speaker: I see two senators rising. Do we have agreement on a bell?

Senator Plett: Chair, if I could interject for one second, we would be prepared to have a bell now.

Quite frankly, I would like to ask Senator Gold to withdraw the motion. We had one speaker and then we were prepared to adjourn. We had one speaker who wanted to speak today.

She tried to stand, Senator Gold, and she wasn't recognized.

Senator Gold: It is my pleasure to withdraw. I was not aware there was another speaker.

The Hon. the Speaker: Is it agreed, honourable senators?

Hon. Senators: Agreed.

Hon. Denise Batters: Thank you, honourable senators.

I rise today to speak against Senator Harder's amendment and in favour of Senator Smith's motion authorizing the Standing Senate Committee on Legal and Constitutional Affairs to investigate allegations of PMO interference with the former Attorney General, MP Jody Wilson-Raybould, regarding the criminal prosecution of SNC-Lavalin.

These shocking allegations strike at the very heart of our criminal justice system.

I served as the chief of staff to the Saskatchewan Minister of Justice for almost five years, and I can tell you that the independence of the Attorney General is chapter one in any AG's briefing book. It's as basic and fundamental as it gets.

Like all Canadians, senators want answers in this matter. We are rightfully concerned about this potential subversion of the rule of law and the independence of our justice system.

My Conservative caucus colleagues, MP and Justice Critic Lisa Raitt recently asked the members of the House of Commons who are or have been lawyers to remember the oath they took upon being admitted to the bar: "I shall champion the rule of law."

As a lawyer, I make that same appeal to all my Senate colleagues who have sworn that oath. It is incumbent upon us to vote to uphold this key principle underpinning that oath.

In recent days, the Prime Minister's Office has tried to spin the narrative that pressure on the Attorney General was a normal part of the decision-making process but that they never put undue or inappropriate pressure on Minister Wilson-Raybould.

Honourable senators, Jody Wilson-Raybould was the Attorney General of Canada. Anything that rose to the level of pressure on her to take a particular action on a criminal prosecution was undue and inappropriate, especially after the Director of Public Prosecutions had already ruled and Ms. Wilson-Raybould had already told the Prime Minister that she had no intention of reversing that decision.

What was undue and inappropriate was the Prime Minister and his most senior staff — Gerry Butts and Katie Telford, and Clerk of the Privy Council Michael Wernick — refusing time and again to take the Attorney General's no for an answer for four months after the decision was made.

What was inappropriate was Trudeau and his office trying to badger the Attorney General to wear her down to try to get the result they wanted, and when they didn't get it, they removed her as Attorney General.

What we know already from the testimony on record is that something extremely disturbing happened here. The Director of Public Prosecutions ruled on September 4, 2018, that SNC-Lavalin would not receive a deferred prosecution agreement and that these criminal charges would proceed to trial. On September 17, Prime Minister Justin Trudeau and Privy Council

Office Clerk Michael Wernick met with Attorney General Jody Wilson-Raybould. Ms. Wilson-Raybould informed the Prime Minister that she would not intervene in the DPP's decision regarding SNC-Lavalin. Ms. Wilson-Raybould testified that Prime Minister Trudeau pressed her to consider the electoral consequences of SNC failing. He spoke of the upcoming election in Quebec and said: "I am an MP in Quebec, the member for Papineau."

Ms. Wilson-Raybould was alarmed and she said:

> My response, and I vividly remember this as well, was to ask the prime minister a direct question while looking him in the eye.
>
> I asked, "are you politically interfering with my role, my decision as the attorney general? I would strongly advise against it."

And did the PM then back off? No. Mr. Wernick met with SNC-Lavalin and instructed them to pursue the matter with Ms. Wilson-Raybould.

On December 5, Trudeau's right-hand man, Gerry Butts, and Minister Wilson-Raybould met at the Château Laurier lounge and discussed the matter of SNC-Lavalin, where Mr. Butts again pressed her about needing an SNC-Lavalin solution.

Keep in mind, of course, that at the very first Liberal government caucus meeting in 2015, Prime Minister Trudeau told his Liberal MPs that any communication coming from Gerry Butts was to be considered as coming from him.

The day following that conversation, December 6, Prime Minister Trudeau wrote to Ms. Wilson-Raybould, passing on SNC-Lavalin's letter asking for reconsideration of a deferred prosecution agreement.

On December 18, the Prime Minister's top two staffers, Gerry Butts and Katie Telford, met with Minister Wilson-Raybould's Chief of Staff, Jessica Prince. They tried to press Prince in what Ms. Wilson-Raybould called:

> . . . the final escalation in efforts by the Prime Minister's Office to interfere in this matter.

Prince was upset by the conversation and recounted it to Ms. Wilson-Raybould via text message. She quoted Gerry Butts as saying:

> Gerry said, "Jess, there is no solution here that doesn't involve some interference."

Katie Telford said, "we don't want to debate legalities anymore."

The next day, December 19, the PCO Clerk, Michael Wernick, had lunch with the Prime Minister and senior staff. That afternoon, Mr. Wernick called Ms. Wilson-Raybould to, as he put it, "check in" on the SNC-Lavalin matter and "convey context" that the Prime Minister and the minister's cabinet colleagues were anxious about the economic consequences of SNC-Lavalin's criminal prosecution. Jody Wilson-Raybould experienced it differently. She quoted Mr. Wernick as saying, "I think he [Prime Minister Trudeau] is going to find a way to get it done, one way or another. So he is in that kind of mood and I wanted you to be aware of it." The veiled threat was clear: reverse the DPP's decision or lose your job.

How many times did Jody Wilson-Raybould have to say no to these men in power? They kept pushing and pushing, trying to wear her down. Even in the face of this unrelenting pressure, the Attorney General refused to overturn the DPP's decision to prosecute SNC-Lavalin.

About two weeks later, she was told she would be shuffled from her position as Minister of Justice and Attorney General and into the portfolio of Veterans Affairs.

Some senators have said that they are planning to vote against Senator Smith's motion, claiming that the House of Commons Justice Committee is the best place for this investigation. However, at times that Liberal-dominated committee has demonstrated that it is not interested in uncovering the truth here. The Liberal majority initially voted to exclude any witnesses from the Prime Minister's Office, including Gerry Butts, who are directly implicated in these allegations. When he resigned, Butts completely denied that he had anything to do with pressuring the Attorney General. The record seems to suggest something else entirely, but the question remains, why did Gerald Butts resign if he didn't do anything wrong? His denials must be tested for veracity.

Instead of hearing from certain witnesses directly involved in the events at hand, the Justice Committee opted to hear from academics and civil servants about the theoretical application of procedure and laws. It's curious how the Trudeau government members are now so interested in learning about the Shawcross Doctrine of prosecutorial independence. By the end of this scandal, there might be a few Liberals looking for a Shawshank Redemption. The Liberal-dominated house committee begrudgingly agreed to let former Minister Wilson-Raybould testify, but she remained bound by certain key aspects of solicitor-client privilege during her testimony.

• (2000)

The Standing Senate Committee on Legal and Constitutional Affairs is in a position to hold much more comprehensive hearings into this matter. Furthermore, this study would directly relate to previous Legal Committee business.

Last spring our Legal Committee studied the inclusion of remediation agreements, or deferred prosecution agreements, DPAs, in Bill C-74, the budget implementation act. In our report we made a unanimous observation stating:

> The committee is concerned that this type of significant change to the Criminal Code is encompassed in a large budget implementation act.

Proceeding with remediation agreements this way, rather than a stand-alone legislation, forced our Senate committee to review the sizeable issue in only two meetings. Further, we also made the unanimous observation that:

> The committee notes that it did not have the opportunity to hear the testimony of the Minister of Justice on the proposed amendments that are under her ministerial mandate, although she was invited to appear.

It is highly unusual for ministers not to appear before Senate committees during consideration of government legislation. In particular, the Standing Senate Committee on Legal and Constitutional Affairs has a reputation as a quality committee, and its deliberations have been quoted in numerous court decisions, including the Supreme Court of Canada.

On May 24, 2018, at our Legal Committee's first meeting on Bill C-74, departmental officials appeared without Minister Wilson-Raybould. We were informed she was unable to attend and would be absent all week.

As I noted to the committee during that meeting, I found that especially strange, given that two hours earlier I had watched Minister Wilson-Raybould giving a live interview from Ottawa on CTV's "Your Morning" show. Later that same day, she fielded questions in Question Period and gave a speech on Bill C-75 in the House of Commons.

Our committee was told that Minister Wilson-Raybould might be able to appear on May 30 instead. However, when that day arrived, our witnesses were The Honourable Carla Qualtrough, Minister of Public Services; and the Prime Minister's House of Commons seatmate, Marco Mendicino, Parliamentary Secretary to the Minister of Justice. They appeared with Department of Justice officials.

When Senator Boisvenu, the Conservative deputy chair of the Legal Committee, asked why the Minister of Justice was not present, Minister Qualtrough said that Minister Wilson-Raybould was once again unavailable but that she "jumped at the chance" to attend in her place, trying desperately to link the relevance of her Public Works portfolio to changes in the Criminal Code put forward in a finance bill.

Meanwhile, Mr. Mendicino, who isn't privy to cabinet discussions, jumped in a few times to answer questions. His unconvincing responses proved the point: If you don't have a seat at the cabinet table, you aren't equipped to answer for the Government of Canada at the Senate Legal Affairs Committee table.

Media reports that day indicated that the House of Commons Finance Committee had studied the remediation agreements portion of Bill C-74 for only 15 minutes. When I asked Minister Qualtrough which Trudeau minister had presented the remediation agreement portions of the bill at the House of Commons committee, she couldn't answer the question. She had to consult Mr. Mendicino, who had to consult the Justice officials, and they established it had been Bill Morneau, the Finance Minister.

Of course, recent events surrounding alleged pressure from the highest echelons of the Trudeau government on former Attorney General Wilson-Raybould regarding these remediation agreements now cast a whole new light on our entire committee proceedings.

At the time, the Attorney General certainly didn't seem to want to touch the DPA portions of this bill with a 10-foot pole. Was she already resisting pressure from the PMO at that point?

Meanwhile, the Senate, and our Legal Committee in particular, was under the gun to get this through committee and report back to the Senate by May 31. That timeline might warrant further reflection.

I find it rather rich that Senator Harder stood in this chamber last week and lectured opposition senators that they should have expressed outrage about remediation agreements in Bill C-74 when that legislation was in the Senate. We only had time for two meetings on this bill at Legal Committee because the Trudeau government insisted that committee reports on the matter had to be reported back to the Senate by May 31.

That's even more interesting, given that lobbying registry records indicate that SNC-Lavalin lobbied the Government Representative in the Senate, Peter Harder, twice on May 10 and May 31.

SNC-Lavalin lobbied Senator Harder on justice and law enforcement concerns on May 10. What was the need for the meeting on May 31? Was that meeting a champagne toast with SNC-Lavalin to celebrate ramming through a major change to the Criminal Code without the Minister of Justice even attending at our committee to defend it? Or was it to advise the committee on the plan to get that change passed through third reading in the Senate Chamber?

I have many unanswered questions surrounding this whole affair, honourable senators, and I'm sure many of you do as well.

That is why I ask you to vote in favour of Senator Smith's motion and vote against Senator Harder's amendment to help the Senate get to the bottom of the scandal for Canadians. New information is revealed daily about the political pressure allegedly exerted by the PMO on the Office of the Attorney General of Canada.

Currently, Conservatives only hold about one third of the Senate's seats. Therefore, I appeal to my colleagues across the aisle: Honourable senators, this is your opportunity to walk the talk on independence and demonstrate your commitment to the critical values of our rule of law and the independence of our criminal justice system. If this is not our duty as senators, then what is?

That's why I ask you to support Senator Smith's motion. Canadians deserve answers. Thank you.

(On motion of Senator Gold, debate adjourned.)

FISHERIES AND OCEANS

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO MEET DURING SITTING OF THE SENATE WITHDRAWN

On Motion No. 437 by the Honourable Fabian Manning:

That the Standing Senate Committee on Fisheries and Oceans have the power to meet on Tuesday, February 26, 2019, at 6 p.m., even though the Senate may then be sitting, and that rule 12-18(1) be suspended in relation thereto.

Hon. Fabian Manning: Honourable senators, pursuant to rule 5-10(2), I ask that Motion No. 437 be withdrawn.

(Notice of motion withdrawn.)

COMMITTEE AUTHORIZED TO STUDY ISSUES RELATING TO THE FEDERAL GOVERNMENT'S CURRENT AND EVOLVING POLICY FRAMEWORK FOR MANAGING FISHERIES AND OCEANS AND REFER PAPERS AND EVIDENCE SINCE THE BEGINNING OF THE FIRST SESSION OF FORTY-SECOND PARLIAMENT

Hon. Fabian Manning, pursuant to notice of February 20, 2019, moved:

That the Standing Senate Committee on Fisheries and Oceans be authorized to examine and to report on issues relating to the federal government's current and evolving policy framework for managing Canada's fisheries and oceans;

That the papers and evidence received and taken and work accomplished by the committee on this subject since the beginning of the First Session of the Forty-second Parliament be referred to the committee; and

That the committee submit its final report to the Senate no later than September 30, 2019.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

(Motion agreed to.)

ABORIGINAL PEOPLES

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO MEET DURING SITTING OF THE SENATE WITHDRAWN

On Motion No. 440 by the Honourable Lillian Eva Dyck:

That the Standing Senate Committee on Aboriginal Peoples be authorized to meet on Tuesday, April 2, 2019, at 4 p.m., even though the Senate may then be sitting, and that the application of rule 12-18(1) be suspended in relation thereto.

Hon. Lillian Eva Dyck: Honourable senators, pursuant to rule 4-10(2), I ask that Motion No. 440 be withdrawn.

(Notice of motion withdrawn.)

TRANSPORT AND COMMUNICATIONS

COMMITTEE AUTHORIZED TO TRAVEL

Hon. Donald Neil Plett, for Senator Tkachuk,**,** pursuant to notice of February 27, 2019, moved:

That the Standing Senate Committee on Transport and Communications have the power to travel within Canada, for the purpose of its examination and consideration of Bill C-48, An Act respecting the regulation of vessels that transport crude oil or persistent oil to or from ports or marine installations located along British Columbia's north coast.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

(Motion agreed to.)

OFFICIAL LANGUAGES

COMMITTEE AUTHORIZED TO MEET DURING SITTING OF THE SENATE

Hon. René Cormier, pursuant to notice of February 27, 2019, moved:

That the Standing Senate Committee on Official Languages have the power to meet on Monday, March 18, 2019, even though the Senate may then be sitting, and that rule 12-18(1) be suspended in relation thereto.

He said: I move the motion in my name.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

(Motion agreed to.)

(*At 8:09 p.m., the Senate was continued until Monday, March 18, 2019, at 6 p.m.*)

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